S. Hrg. 100-739

MISCELLANEOUS WILD AND SCENIC RIVERS LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 1720/H.R. 900

TO PROTECT AND ENHANCE THE NATURAL, SCENIC, CULTURAL, AND RECREATIONAL VALUES OF CERTAIN SEGMENTS OF THE NEW, GAULEY, MEADOW, AND BLUESTONE RIVERS IN WEST VIRGINIA FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS, AND FOR OTHER PURPOSES

S. 1850

TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SECTION OF THE COLUMBIA RIVER IN WASHINGTON AS A STUDY AREA FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM AND FOR OTHER PURPOSES

S. 1914

TO DESIGNATE THE WILDCAT RIVER IN THE STATE OF NEW HAMPSHIRE AS A UNIT OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM

APRIL 19, 1988

Printed for the use of the
Committee on Energy and Natural Resources

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MISCELLANEOUS WILD AND SCENIC RIVERS LEGISLATION

APRIL 19, 1988

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Daniel J. Evans, presiding.

OPENING STATEMENT OF HON. DANIEL J. EVANS, U.S. SENATOR FROM WASHINGTON

Senator Evans. This hearing will please come to order. The purpose of the hearing today is to receive testimony on four measures currently pending before the Subcommittee on Public Lands, National Parks and Forests.

The four measures are: S. 1850, a bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

S. 1720 and H.R. 900, bills to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, Bluestone and Greenbrier Rivers in West Virginia for the benefit of present and future generations and for other purposes.

And S. 1914, a bill to designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic Rivers System.

At this point, I will place a copy of each bill in the hearing record. The record will remain open for two weeks for the purpose of receiving additional materials and statements.

[The texts of the bills follow:]

II

100TH CONGRESS
1ST SESSION

S. 1720

To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 1987

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "West Virginia National Interest River Conservation Act of 1987".

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

Sec. 101. Boundary modification.

Sec. 102. Cooperative agreements with State.
Sec. 103. Improvement of access at Cunard.
Sec. 104. Flow management.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

Sec. 201. Establishment.
Sec. 202. Administration.
Sec. 203. Miscellaneous.
Sec. 204. Authorization of appropriations.
Sec. 205. Special conditions.
Sec. 206. Advisory committee.

TITLE III—MEADOW NATIONAL WILD RIVER

Sec. 301. Designation of Lower Meadow River.

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

Sec. 401. Designation of Lower Bluestone River.

TITLE V—GENERAL PROVISIONS

Sec. 501. Coordination among recreational resources.
Sec. 502. Special provisions.
Sec. 503. Public Awareness Program.
Sec. 504. Consolidated management.
Sec. 505. New spending authority subject to appropriations.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the National Park System.

(2) The establishment of the New River Gorge National River has provided the basis for increased recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation experience. The lower section of the Bluestone River and the lower section of the Meadow River possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Additional national river park units in the region would foster economic development activities associated with tourism and recreation that have resulted from the establishment of the New River Gorge National River.

(6) Segments of several of the New River tributaries, the Gauley River, the Meadow River, and the Bluestone River are suitable for inclusion in the National Park System or the national wild and scenic rivers system.

(7) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) PURPOSE.—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out "NERI–20,002, dated July 1978" and substituting "NERI–80,023, dated January 1987".

SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the

State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.".

SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreational Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) Development and Improvement.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commerical and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) Interim Measures.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the use of motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is below three thousand cubic feet per second.".

SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

"SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments in the management by the Secretary of the Army of flows from Bluestone Lake project during periods of low flow is necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Congress not later than December 31, 1988. Before submission of the report to the Congress, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake project during periods when flows from the lake are less than three thousand cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form or recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake project during twenty-four-hour periods during the summer of 1988 when flows are less than three thousand cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake project which permit flows higher than the twenty-four-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than one thousand seven hundred cubic feet per second and no test shall reduce flows below that level.".

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

SEC. 201 ESTABLISHMENT.

(a) In General.—In order to protect and perserve the scenic, rereational, geological, and fish and wildlife resources of the Gauley River, there is hereby established the Gauley River National Recreational Area (hereinafter in this Act referred to as the "recreational area").

(b) Area Included.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River National Recreation Area", numbered NRA-GR/20,000A and dated July 1987. Such boundaries may be modified as provided in this Act. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) Boundary Modifications.—Within five years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

SEC. 202. ADMINISTRATION.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4).

(b) HUNTING AND FISHING; FISH STOCKING.—The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the

Secretary on waters within the boundaries of the recreation area.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.

(d) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) RECREATIONAL ACCESS.—

(1) EXISTING PUBLIC ROADS.—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way to the extent necessary to facilitate and improve reasonable access to the recreation area at existing access points where such actions would preserve or enhance the scenic and natural values of the area.

(2) FACILITIES ADJACENT TO DAM.—In order to accommodate visitation to the recreation area, the Secretary of the Interior shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not required pursuant to section 205. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) OTHER LOCATIONS.—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands and construct such parking and related facilities at other appropriate locations outside the boundaries of, but in close proximity to, the recreation area as may be necessary and appropriate.

(f) PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.—After consultation with any other Federal agency managing lands and waters within or adjacent to the recreation area, the Secretary of the Interior shall enter into a memorandum of understanding with such other Federal agency to designate those lands and waters within the recreation area which are (1) under the administrative jurisdiction of such other agency (2) directly related to the operation of the Summersville project and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

SEC. 203. MISCELLANEOUS.

(a) LANDS AND WATERS.—The Secretary of the Interior may acquire land or interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. For purposes of acquiring such lands and interests in lands the Secretary shall initiate negotiations with the owners thereof. If the Secretary and such owners cannot agree on the fair market value of such lands and interests in lands, either the Secretary or the owners may petition the United States Court of Claims for a determination of fair market value, and the court shall have jurisdiction to make such determination, which shall be binding on all parties for purposes of this Act, subject to the right of appeal.

(b) TRANSFERS.—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not designated under section 202 as directly related to the Summersville project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior.

(c) PROTECTION OF EXISTING PROJECT.—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary of the Interior to facilitate and enhance whitewater recreational use and other recreational use of the recreation area. For purposes of enhancing springtime recreational use of the national recreation area and the Summersville Lake, the Summersville Lake shall be filled at the earliest practicable date during each year, taking into consideration meteorological forecasts and without impairing the ability of any department or agency to carry out the other purposes of the Summersville project.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 205. SPECIAL CONDITIONS.

If, after the enactment of this Act, any dam, water conduit, reservoir, powerhouse, transmission line or other project commences construction at or in conjunction with the Summersville project, the department, agency, or instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary of the Interior deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction. If any such new project will adversely affect access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the judgment of the Secretary. The terms and conditions referred to in this subsection shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the four-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of May 13, 1987, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee"). The Advisory Committee shall be composed of fifteen members appointed by the Secretary of the Interior to serve for terms of two years. Any member of the Committee may serve after the expiration of his term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall meet on a regular basis and consult with the advisory committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) EXPENSES.—Members of the committee shall serve without compensation as such, but the Secretary of the Interior may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) MEMBERSHIP.—The Secretary shall appoint members to the Committee as follows:

(1) One member to represent other departments or agencies of the United States administering lands affected by the national recreation area, to be appointed from among persons nominated by the head of such department or agency.

(2) Two members to represent the State Department of Natural Resources, to be appointed from

among persons nominated by the Governor of the State of West Virginia.

(3) One member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of West Virginia.

(4) Three members to represent the commercial whitewater rafting industry in West Virginia.

(5) One member to represent noncommercial whitewater boating organizations.

(6) One member to represent conservation organizations in West Virginia.

(7) One member to represent individuals engaged in game fishing in West Virginia.

(8) One member to represent the Nicholas County Chamber of Commerce.

(9) One member to represent the Fayette County Chamber of Commerce.

(10) One member to represent recreational users of Summersville Lake.

(11) Two member to represent local citizens or citizens groups which are concerned with the Gauley River or with lands included within the boundaries of the recreation area.

(e) TERMINATION; CHARTER.—The Committee shall terminate on the date ten years after the enactment of this

Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Committee.

TITLE III—MEADOW NATIONAL WILD RIVER

SEC. 301. DESIGNATION OF LOWER MEADOW RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) MEADOW, WEST VIRGINIA.—The segment from the bridge at Route 19 downstream approximately 4.5 miles to its confluence with the Gauley River, as generally depicted on the boundary map entitled 'Meadow Wild and Scenic River', numbered WSR–MEA/20,000 and dated January 1987; to be administered by the Secretary of the Interior as a wild river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) and in subsections (a) and (b) of section 6 shall not apply to the land and waters within the boundaries of such map. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act.".

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

SEC. 401. DESIGNATION OF LOWER BLUESTONE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(63) BLUESTONE, WEST VIRGINIA.—So much of the segment in Mercer and Summers Counties, West Virginia from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as generally depicted on the boundary map entitled 'Bluestone Wild and Scenic River', numbered WSR–BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) shall not apply. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph.

All lands owned by the United States within the boundaries of the segment designated under this paragraph are hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.".

TITLE V—GENERAL PROVISIONS

SEC. 501. COORDINATION AMONG RECREATIONAL RESOURCES.

The Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier, and Mercer Counties, West Virginia, for the purpose of providing for coordinated development and promotion of recreational resources of regional or national significance which are located in southern West Virginia and managed by State or Federal agencies, including State, local and National Park System units, State and National Forest System units, and historic sites.

SEC. 502. SPECIAL PROVISIONS.

The Secretary of the Interior shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on units of the National Park System and components of the National Wild and Scenic Rivers System subject to this Act.

SEC. 503. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia, in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the National Wild and Scenic River System of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by this Act as units of such system. By December 31 of the third calendar year which begins after the enactment of this Act, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31 of the third calendar year referred to in the preceding sentence.

SEC. 504. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the National Park System units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

SEC. 505. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.

○

II

100TH CONGRESS
1ST SESSION

H. R. 900

IN THE SENATE OF THE UNITED STATES

MAY 28, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "West Virginia National Interest River Conservation Act of 1987".

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Sec. 203. Miscellaneous.
Sec. 204. Authorization of appropriations.
Sec. 205. Special conditions.
Sec. 206. Advisory committee.

TITLE III—MEADOW NATIONAL WILD RIVER

Sec. 301. Designation of Lower Meadow River.

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

Sec. 401. Designation of Lower Bluestone River.

TITLE V—GENERAL PROVISIONS

Sec. 501. Coordination among recreational resources.
Sec. 502. Special provisions.
Sec. 503. Public awareness program.
Sec. 504. Consolidated management.
Sec. 505. New spending authority subject to appropriations.

TITLE VI—GREENBRIER NATIONAL SCENIC RIVER

Sec. 601. Designation of Greenbrier River.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) The outstanding natural, scenic, cultural and recreational values of the segment of the New River in West Virginia within the boundaries of the New River Gorge National River have been preserved and enhanced by its inclusion in the national park system.

(2) The establishment of the New River Gorge National River has provided the basis for increased

recreation and tourism activities in southern West Virginia due to its nationally recognized status and has greatly contributed to the regional economy.

(3) Certain boundary modifications to the New River Gorge National River are necessary to further protect the scenic resources within the river's visual corridor and to provide for better management of the national park unit.

(4) Several tributaries of the New River in West Virginia also possess remarkable and outstanding features of national significance. The segment of the Gauley River below Summersville Dam has gained national recognition as a premier whitewater recreation experience. The lower section of the Bluestone River, the lower section of the Meadow River, and various segments of the Greenbrier River all possess remarkable and outstanding natural, scenic, and recreational values due to their predominantly undeveloped condition.

(5) Additional national river park units in the region would foster economic development activities associated with tourism and recreation that have resulted from the establishment of the New River Gorge National River.

(6) Segments of several of the New River tributaries, the Gauley River, the Meadow River, the Greenbrier River, and the Bluestone River are suitable for inclusion in the national park system or the national wild and scenic rivers system.

(7) It is in the national interest to preserve the natural condition of certain segments of the New, Gauley, Meadow, Greenbrier, and Bluestone Rivers in West Virginia and to enhance recreational opportunities available on the free-flowing segments.

(b) PURPOSE.—The purpose of this Act is to provide for the protection and enhancement of the natural, scenic, cultural, and recreational values on certain free-flowing segments of the New, Gauley, Meadow, Greenbrier, and Bluestone Rivers in the State of West Virginia for the benefit and enjoyment of present and future generations.

TITLE I—NEW RIVER GORGE NATIONAL RIVER

SEC. 101. BOUNDARY MODIFICATION.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out "NERI–20,002, dated July 1978" and substituting "NERI–80,023, dated January 1987".

SEC. 102. COOPERATIVE AGREEMENTS WITH STATE.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1113. COOPERATIVE AGREEMENTS WITH STATE.

"In administering the national river, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.".

SEC. 103. IMPROVEMENT OF ACCESS AT CUNARD.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end thereof:

"SEC. 1114. IMPROVEMENT OF ACCESS AT CUNARD.

"(a) Development and Improvement.—The Secretary shall expeditiously acquire such lands, and undertake such developments and improvements, as may be necessary to provide for commercial and noncommercial access to the river near Cunard. No restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

"(b) Interim Measures.—Pending completion of the developments and improvements referred to in subsection (a), the Secretary shall permit the use of motorized towing of whitewater rafts in the section of the national river between Thurmond and Cunard when the volume of flow in the river is below 3,000 cubic feet per second.".

SEC. 104. FLOW MANAGEMENT.

Title XI of the National Parks and Recreation Act of 1978 is amended by adding the following new section at the end:

"SEC. 1115. FLOW MANAGEMENT.

"(a) FINDINGS.—The Congress finds that adjustments in the management by the Secretary of the Army of flows from Bluestone Lake Project during periods of low flow is necessary to respond to the congressional mandate contained in section 1110 of this Act and that such adjustments could enhance the quality of the recreational experience in the segments of the river below the lake during those periods as well as protect the biological resources of the river.

"(b) REPORT TO CONGRESS REQUIRED.—The Secretary of the Army, in conjunction with the Secretary of the Interior, shall conduct a study and prepare a report under this section. The report shall be submitted to the Congress not later than December 31, 1988. Before submission of the report to the Congress, a draft of the report shall be made available for public comment. The final report shall include the comments submitted by the Secretary of the Interior and the public, together with the response of the Secretary of the Army to those comments.

"(c) CONTENTS OF STUDY.—The study under this section shall examine the feasibility of adjusting the timing of daily releases from Bluestone Lake Project during periods when flows from the lake are less than 3,000 cubic feet per second. The purpose of such adjustment shall be to improve recreation (including, but not limited to, fishing and whitewater recreation) in the New River Gorge National River. Any such adjustments in the timing of flows which are proposed in such report shall be consistent with other project purposes and shall not have significant adverse effects on fishing or on any other form of recreation in Bluestone Lake or in any segment of the river below Bluestone Lake. The study shall assess the effects of such flow adjustments on the quality of recreation on the river in the segments of the river between Hinton and Thurmond and between Thurmond and the downstream boundary of the New River Gorge National River, taking into account the levels of recreational visitation in each of such segments.

"(d) TEST PROCEDURES.—As part of the study under this section, the Secretary of the Army shall conduct test releases from Bluestone Lake Project during 24-hour periods during the summer of 1988 when flows are less than 3,000 cubic feet per second from the project. All such adjustments shall conform to the criteria specified in subsection (c). The tests shall provide adjustments in the timing of daily flows from Bluestone Lake Project which permit flows higher than the 24-hour average to reach downstream recreational segments of the river during morning and afternoon hours. The tests shall develop specific data on the effects of flow adjustments on the speed of the current and on water surface levels in those segments. No test shall be conducted when flows from the lake are less than 1,700 cubic feet per second and no test shall reduce flows below that level.".

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the scenic, recreational, geologic, and fish and wildlife resources of the Gauley River, there is hereby established the Gauley River National Recreation Area (hereinafter in this Act referred to as the "recreation area").

(b) AREA INCLUDED.—The recreation area shall consist of the land, waters, and interests therein generally depicted on the boundary map entitled "Gauley River National Recreation Area", numbered NRA-GR/20,000 and dated January 1987. Such boundaries may be modified as provided in this Act. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) BOUNDARY MODIFICATIONS.—Within 5 years after the enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report containing any boundary modifications which the Secretary recommends, together with the reasons therefor.

SEC. 202. ADMINISTRATION.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4).

(b) HUNTING AND FISHING; FISH STOCKING.—The Secretary shall permit hunting and fishing on lands and waters within the recreation area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment subject to such terms and conditions as he deems necessary in the furtherance of this Act. The Secretary shall permit the State of West Virginia to undertake or continue fish stocking activities carried out by the State in consultation with the Secretary on waters within the boundaries of the recreation area.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the recreation area the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, fire fighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventative agencies.

(d) APPLICATION OF OTHER PROVISIONS.—The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to river segments referred to in such provisions.

(e) RECREATIONAL ACCESS.—

(1) EXISTING PUBLIC ROADS.—The Secretary may enter into a cooperative agreement with the State of West Virginia under which the Secretary shall be authorized to maintain and improve existing public roads and public rights-of-way to the extent necessary to facilitate and improve reasonable access to the

recreation area at existing access points where such actions would preserve or enhance the scenic and natural values of the area.

(2) FACILITIES ADJACENT TO DAM.—In order to accommodate visitation to the recreation area, the Secretary of the Interior shall construct such facilities as necessary to enhance and improve access, vehicle parking and related facilities, and river access for whitewater recreation and for other recreational activities, immediately downstream of the Summersville Dam, to the extent that such facilities are not required pursuant to section 205. Such construction shall be subject to the memorandum of understanding referred to in subsection (f).

(3) OTHER LOCATIONS.—In addition, in order to provide reasonable public access and vehicle parking for public use and enjoyment of the recreation area, consistent with the preservation and enhancement of the natural and scenic values of the recreation area, the Secretary may, with the consent of the owner thereof, acquire such lands and interests in lands and construct such parking and related facilities at other appropriate locations outside the boundaries of, but in close proximity to, the recreation area as may be necessary and appropriate.

(f) PROPERTIES AND FACILITIES OF FEDERAL AGENCIES.—After consultation with any other Federal agency managing lands and waters within or adjacent to the recreation area, the Secretary of the Interior shall enter into a memorandum of understanding with such other Federal agency to designate those lands and waters within the recreation area which are (1) under the administrative jurisdiction of such other agency (2) directly related to the operation of the Summersville Project and (3) essential to the operation of such project. The memorandum of understanding shall also include provisions regarding the management of all such lands and waters in a manner consistent with the operation of such project and the management of the recreation area.

SEC. 203. MISCELLANEOUS.

(a) LANDS AND WATERS.—The Secretary of the Interior may acquire land or interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(b) TRANSFERS.—Lands, waters and interests therein within the recreation area which are administered by any other agency of the United States and which are not designated under section 202 as directly related to the Summersville Project and essential to the operation of that project shall be transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior.

(c) PROTECTION OF EXISTING PROJECT.—Nothing in this Act shall impair or affect the requirements of section 1102 of Public Law 99-662 or otherwise affect the authorities of any department or agency of the United States to carry out the project purposes of the Summersville Project, including recreation. In releasing water from such project, in order to protect public health and safety and to provide for enjoyment of the resources within the recreation area, other departments and agencies of the United States shall cooperate with the Secretary of the Interior to facilitate and enhance whitewater recreational use and other recreational use of the recreation area. For purposes of enhancing springtime recreational use of the national recreation area and the Summersville Lake, the Summersville Lake shall be filled at the earliest practicable date during each year, taking into consideration meteorological forecasts and without impairing the ability of any department or agency to carry out the other purposes of the Summersville Project.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 205. SPECIAL CONDITIONS.

If, after the enactment of this Act, any dam, water conduit, reservoir, powerhouse, transmission line or other project commences construction at or in conjunction with the Summersville Project, the department, agency, or instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary of the Interior deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project will not adversely affect whitewater recreation and other recreation activities during or after project construction. If any such new project will adversely affect access to the recreation area immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the judgment of the Secretary. The terms and conditions referred to in this subsection shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the 4-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the City of Summersville, or by any competing project applicant with a permit or license application on file as of May 13, 1987, if such project complies with this section. If such project is licensed within such 4-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point 550 feet downstream of the existing valve house and 1,200 feet (measured along the river bank) upstream of United States Geological Survey gauge No. 03189600.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Gauley River National Recreation Area Advisory Committee (hereinafter in this Act referred to as the "Advisory Committee"). The Advisory Committee shall be composed of 15 members appointed by the Secretary of the Interior to serve for terms of 2 years. Any member of the Committee may serve after the expiration of his term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term. The Secretary or his designee shall serve as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall meet on a regular basis and consult with the advisory committee on matters relating to development of a management plan for the recreation area and on implementation of such plan.

(c) EXPENSES.—Members of the committee shall serve without compensation as such, but the Secretary of the Interior may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(d) MEMBERSHIP.—The Secretary shall appoint members to the Committee as follows:

(1) 1 member to represent other departments or agencies of the United States administering lands affected by the national recreation area, to be appointed from among persons nominated by the head of such department or agency.

(2) 2 members to represent the State Department of Natural Resources, to be appointed from among persons nominated by the Governor of the State of West Virginia.

(3) 1 member to represent the State Department of Commerce to be appointed from among persons nominated by the Governor of the State of West Virginia.

(4) 3 members to represent the commercial whitewater rafting industry in West Virginia.

(5) 1 member to represent noncommercial whitewater boating organizations.

(6) 1 member to represent conservation organizations in West Virginia.

(7) 1 member to represent individuals engaged in game fishing in West Virginia.

(8) 1 member to represent the Nicholas County Chamber of Commerce.

(9) 1 member to represent the Fayette County Chamber of Commerce.

(10) 1 member to represent recreational users of Summersville Lake.

(11) 2 members to represent local citizens or citizens groups which are concerned with the Gauley River or with lands included within the boundaries of the recreation area.

(e) TERMINATION; CHARTER.—The Committee shall terminate on the date 10 years after the enactment of this Act notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776). The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to this Committee.

TITLE III—MEADOW NATIONAL WILD RIVER

SEC. 301. DESIGNATION OF LOWER MEADOW RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) MEADOW, WEST VIRGINIA.—The segment from the bridge at Route 19 downstream approximately 4.5 miles to its confluence with the Gauley River, as generally depicted on the boundary map entitled 'Meadow Wild and Scenic River', numbered WSR-MEA/20,000 and dated January 1987; to be administered by the Secretary of the Interior as a wild river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) and in subsections (a) and (b) of section 6 shall not apply to the land and waters within the boundaries of such map. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act.".

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

SEC. 401. DESIGNATION OF LOWER BLUESTONE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(63) BLUESTONE, WEST VIRGINIA.—So much of the segment in Mercer and Summers Counties, West Virginia from a point approximately 2 miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (1,410 feet above mean sea level) of Bluestone Lake as generally depicted on the boundary map entitled 'Bluestone Wild and Scenic River', numbered WSR–BLU/20,000, and dated January 1987; to be administered by the Secretary of the Interior as a scenic river. After consultation with State and local governments and the interested public and within one year from the enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section, except that the acreage limitations specified in subsection (b) shall not apply. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. All lands owned by the United States within the boundaries of the segment designated under this paragraph are hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph, and the Secretary shall permit such activities pursuant to section 13(a) of this Act. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone Project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph.".

TITLE V—GENERAL PROVISIONS

SEC. 501. COORDINATION AMONG RECREATIONAL RESOURCES.

The Secretary of the Interior shall cooperate with, and assist, any regional authority comprised of representatives of West Virginia State authorities and local government authorities in or any combination of the foregoing Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer Counties, West Virginia, for the purpose of providing for coordinated development and promotion of recreational resources of regional or national significance which are located in southern West Virginia and managed by State or Federal agencies, including State, local and national park system units, State and national forest system units, and historic sites.

SEC. 502. SPECIAL PROVISIONS.

(a) STATE AUTHORITY.—Subject to this subsection and to existing law and regulations, the Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by this Act shall cooperate with the State on pest management practices that directly or indirectly impact lands or waters within any such unit or component. During a 3-year trial basis, the Secretary administering any such component or unit shall enter into a cooperative agreement with the State of West Virginia for the purpose of establishing a program which provides for the control of the insect simulium jenningsi on such units or components. Such program shall provide for continuous monitoring of any State activity to control such insect to determine the effect of such activity on the non-target organisms and on the other biological resources of such units. If, at any time, such activities of the State are shown to have a substantial adverse effect on the fishery resources of such river units, such activities shall immediately be ceased.

(b) STATE REGULATIONS.—The Secretary administering any unit of the national park system subject to this Act and the Secretary administering any component of the national wild and scenic rivers system designated by this Act shall enter into a cooperative agreement with the State of West Virginia providing for the State's regulation, in accordance with State law, of persons providing commercial recreational watercraft services on river units and components subject to this Act.

SEC. 503. PUBLIC AWARENESS PROGRAM.

The Secretary of the Interior shall establish a public awareness program to be carried out in Mercer, Nicholas, and Greenbrier Counties, West Virginia in cooperation with State and local agencies, landowners, and other concerned organizations. The program shall be designed to further public understanding of the effects of designation as components of the national wild and scenic river system of segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August of 1983 but which were not designated by this Act as units of such system. By December 31 of the third calendar year which begins after the enactment of this Act, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate describing the program undertaken pursuant to this section. Section 7(b) of the Wild and Scenic Rivers Act shall continue to apply to the segments subject to this section until December 31 of the third calendar year referred to in the preceding sentence.

SEC. 504. CONSOLIDATED MANAGEMENT.

In order to achieve the maximum economy and efficiency of operations in the administration of the national park system units established or expanded pursuant to this Act, the Secretary shall consolidate offices and personnel administering all such units to the extent practicable and shall utilize the existing facilities of the New River Gorge National River to the extent practicable.

SEC. 505. NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS.

Any new spending authority which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts.

TITLE VI—GREENBRIER NATIONAL SCENIC RIVER

SEC. 601. DESIGNATION OF GREENBRIER RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(64) GREENBRIER, WEST VIRGINIA.—The East Fork from its origin in Blister Swamp downstream to its confluence with the West Fork, the West Fork from its origin at Wildell downstream to its confluence with the East Fork, the segment of the main stem from the confluence of the East and West Forks near Durbin downstream to Deer Creek, near Cass, and the segment of the main stem from Stony Creek, near Marlinton, downstream to the I–64 Bridge near Caldwell, as generally depicted on the boundary map published by the Secretary of Agriculture entitled 'Greenbrier National Scenic River' and dated May 1987; to be administered by the Secretary of Agriculture.".

(b) FLOOD PROTECTION STUDIES.—Nothing in this Act shall prevent the United States Army Corps of Engineers from conducting flood protection studies for any segment of the Greenbrier River which is not designated under subsection (a) as a component of the national wild and scenic rivers system. If Congress does not authorize construction of a flood control reservoir by the United States Army Corps of Engineers on the segment of main stem of the Greenbrier River between Deer Creek, near Cass, and Stony Creek, near Marlinton, within 3 years following the enactment of this Act, at the expiration of such 3-year period that segment shall be included as a component of the national wild and scenic rivers system, by operation of law, to be administered by the Secretary of Agriculture.

Passed the House of Representatives May 27, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

II

100TH CONGRESS
1ST SESSION

S. 1850

To amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1987

Mr. EVANS (for himself and Mr. ADAMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) (hereafter in this Act referred to as the "Act") is amended by adding the following new paragraph at the end thereof:

"(96) COLUMBIA, WASHINGTON.—The segment extending from one mile below Priest Rapids Dam downstream approximately 57 miles to the McNary Pool north of Richland, Washington, as generally depicted on the boundary map entitled 'Proposed Columbia River Wild and Scenic River Boundary' dated , 1987, which is on file at the United States Department of the Interior.".

SEC. 2. COMPLETION DATE.

Section 5(b) of the Act (16 U.S.C. 1274(b)) is amended by adding the following at the end thereof:

"(8) The study of the river named in paragraph (96) of subsection (a) shall be carried out by the Secretary of the Interior, in consultation with the Secretary of Energy, and shall be completed not later than one year after the date of enactment of this paragraph.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Paragraph (4) of section 5(b) of the Act (16 U.S.C. 1274(b)) is amended by adding at the end thereof the following: "There are authorized to be appropriated for the purpose for conducting the study of the river named in paragraph (96) $150,000.".

SEC. 4. SPECIAL PROVISIONS.

The provisions of section 7(b) of the Act (16 U.S.C. 1278(b)) shall extend for a period of 8 years from the date of enactment of this Act with respect to the segment of the Columbia River proposed for inclusion in the National Wild and Scenic Rivers System in this Act.

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II

100TH CONGRESS
1ST SESSION

S. 1914

To designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic River System.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 1987

Mr. HUMPHREY (for himself, Mr. RUDMAN, and Mr. DURENBERGER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic River System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Wildcat River in the State of New Hampshire, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) WILDCAT RIVER, NEW HAMPSHIRE.—Wildcat River, a 14.51 mile segment including the following tributaries, Wildcat Brook, Bog Brook, and Great Brook (as depicted on a map entitled Wildcat River dated October 1987) to be administered by the Secretary of Agriculture hereinafter referred to as the Secretary. Those segments of the Wildcat River and its tributaries located within the boundary of the White Mountain National Forest shall be managed by the Secretary. Those segments located outside the boundary of the White Mountain National Forest shall be managed by the Secretary through a cooperative agreement with the board of selectmen of the town of Jackson and the State of New Hampshire as described in section 10(e) of this Act. Such agreement shall provide for the long-term protection, preservation, and enhancement of the segment located outside the boundary of the White Mountain National Forest and should be consistent with the river conservation plan as developed by the town of Jackson. To assist with the implementation of this paragraph the Secretary shall establish a Wildcat River Advisory Commission within three months after the date of enactment of this paragraph composed of seven members appointed by the Secretary as follows: one member from among persons nominated by the Governor of the State of New Hampshire; four members to be nominated by the Jackson Board of Selectmen, of which at least two members shall be riparian property owners, and at least one member shall be on the Board of Selectmen; one member to be nominated by the Jackson Conservation Commission; and one member by the Secretary. No lands or interest in lands outside of the boundary of the White Mountain National Forest shall be acquired by the Secretary except by donation. There are authorized to be appropriated such sums as necessary for the purposes of this paragraph.".

○

Senator **Evans**. I would like to take a few moments to comment on S. 1850, which I sponsored along with my colleagues from Washington, Senator Brock Adams and Congressman Sid Morrison.

I would like to welcome Senator Adams here, and we look forward to hearing your testimony. I would also like to welcome those who have traveled the great distance from Washington to testify on this bill.

I am always pleased to welcome to Washington those who care enough about a bill to incur the expense and take the time to travel here to testify. I am even more appreciative that everyone will be testifying in support of this piece of legislation.

It is a great testimony to the appropriateness of this legislation that it has received the broad support it has in the State of Washington.

In many ways and for many years the Columbia River has been the lifeblood of the Northwest. From the first inhabitants of the area to this very day man has fished, dammed, dredged, diverted, and barged this river.

There is very little that takes place in the Northwest that is not somehow linked to the Columbia River. Today we have a chance to return something to this special body of water.

The legislation we are considering today will launch the process for protecting the last stretch of the Columbia River that maintains the predevelopment characteristics of the Columbia River.

It is one of the only areas where spawning habitats remain undisturbed, nesting areas abound along the river, and majestic cliffs lining the river are mirrored in the quiet deep calm of the river.

By all accounts it is a spectacular place, one that clearly qualifies for protection under each of the criteria listed in the Wild and Scenic Rivers Act, as it contains "outstandingly remarkable scenic, recreation, geologic, fish and wildlife, historic, and cultural values."

I welcome my colleague, Senator Adams, here for your statement.

Senator **Adams**. I thank you very much, Mr. Chairman, and I want to compliment you and the Members of this subcommittee for taking up this subject at this time.

[The prepared statement of Senator Adams and letter from Governor Gardner follow:]

Brock Adams

STATEMENT BY SENATOR BROCK ADAMS BEFORE PUBLIC LANDS SUBCOMMITTEE HEARING ON S. 1850, TO STUDY THE HANFORD REACH FOR POTENTIAL DESIGNATION AS A WILD AND SCENIC RIVER

Mr. Chairman, I am pleased to be here today to testify in support of S. 1850, authorizing a study of the Hanford Reach in Washington for potential inclusion within the Wild and Scenic River system. Before doing so, I would like to express appreciation to my colleagues on the Public Lands Subcommittee for scheduling this hearing so promptly. Knowing the time constraints faced by the subcommittee, I will be brief.

The main point to be made is simple: Hanford Reach needs federal protection. As the last significant free-flowing stretch of the Columbia River, it is our sole tie to the Columbia as it once was, before dams hindered its passage to the Pacific. Hanford Reach retains many presettlement characteristics, making it a unique and ecologically rich area. Despite this, the Reach has been threatened by development projects which would destroy the very traits we should be preserving. By authorizing this study and providing eight years of protection from future damaging projects, this bill initiates a process which can preserve the river area. Any projects which would disrupt the historical and environmental characteristics of Hanford Reach must be opposed as violating the intent of this legislation.

S. 1850, as currently written, provides for a one year study of the Reach. Several groups testifying today will suggest that this time period be lengthened to three years, in order to allow the Park Service sufficient time to complete a thorough study of the area's potential wild and scenic status. I would urge that the Committee give consideration to this suggestion.

Again, I thank the Subcommittee for holding this hearing today and for allowing me to testify. Hanford Reach needs this bill, and I stand ready to assist you in any way to help it gain passage.

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

OLYMPIA
98504-0413

BOOTH GARDNER
GOVERNOR

April 15, 1988

The Honorable Dale Bumpers
Chairman
Senate Subcommittee on Public Lands,
National Parks and Forests
Senate Energy and Natural Resources Committee
306 Dirksen Senate Office Building
Washington, D.C. 20510-6150

Dear Senator Bumpers:

I am writing in support of Senate Bill 1850, to authorize a study of the Hanford Reach of the Columbia River for possible inclusion in the National Wild and Scenic River system.

The Columbia River has played a vital role in the history of Washington State and there is a strong desire to keep the Hanford Reach, the last free-flowing stretch of the Columbia River, untouched and undisturbed. The Hanford Reach contains the last remaining major spawning and migration area for fall Chinook salmon, After years of decline these stocks, which are managed under the new U.S.-Canada Pacific Salmon Treaty, have recently been rebuilt and are critical in the long-term effort to revitalize the salmon runs in Washington after years of neglect. This part of the Columbia contains exceptional riverine habitat for bald eagles and other wildlife. In addition, along its banks are rare plant life and 115 known Indian archeological sites, many of which have religious and spiritual significance. And, protected as it is by the Hanford area on the west side and U.S. Fish and Wildlife land on its east banks, there is truly a pristine quality about this stretch of the river. This, along with the particularly impressive sweep of great sandstone cliffs along its banks make the Hanford Reach an aesthetic treasure.

These natural, scenic, historic, ecological and recreational attributes are exceptional and I am confident that a study of the Hanford Reach will conclude that it is ideal for inclusion in the Wild and Scenic River system. Therefore, I cannot support the proposal by the Corps of Engineers to construct a spawning demonstration project in this area. Such action would be inconsistent with the intent of this bill.

The Honorable Dale Bumpers
April 15, 1988
Page two

It is my judgment that there are clear reasons to support the immediate designation of the Hanford Reach as a wild and scenic river. Short of that, year-long study by the Secretary of Interior, as Senate Bill 1850 provides, should be conducted. Such a study, I believe, will substantiate that this part of the Columbia river is truly a national resource and must be preserved for generations to come.

Enclosed are letters from the State Departments of Wildlife, Community Development, Fisheries and The Parks and Recreation Commission which provide in some detail reasons why the state believes this section of the Columbia should be protected.

Sincerely,

Booth Gardner

Booth Gardner
Governor

Enclosures

cc: The Honorable Brock Adams
The Honorable Daniel Evans
The Honorable Sid Morrison
The Honorable George Sellar
Laura Smith

37B:ts

CHUCK CLARKE
Director

STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY DEVELOPMENT
Ninth & Columbia Building, MS/GH-51 • Olympia, Washington 98504-4151 • (206) 753-2200

April 13, 1988

The Honorable Booth Gardner
Governor of Washington
Legislative Building AS-13
Olympia, Washington 98504

Dear Governor Gardner:

I would like to indicate our support of the study of the Hanford Reach as a potential Wild and Scenic River. The Hanford Reach, a free-flowing section of the Columbia River, has preserved along its banks a rich record of prehistoric archaeological sites that have the potential to significantly contribute to our understanding of Washington history.

These archaeological sites comprise multiple archaeological districts that are listed in the Washington State Register of Historic Places and are considered to be eligible for the National Register of Historic Places.

I believe that the proposed study and consideration of the Reach's archaeological resources are particularly appropriate as Washington State approaches its Centennial. The Hanford Reach's archaeological resources are the tangible evidence of the long-term human importance of the Columbia River and a testimony to the rich cultural heritage of Washington.

Sincerely,

Chuck Clarke
Chuck Clarke
Director

CC:mr

cc: Duane Phinney
Laura Smith
Kahler Martinson

Archaeology and Historic Preservation • Community Services • Emergency Management • Fire Protection Services • Local Development and Housing • Local Government Services • Public Works

JAN TVETEN
Director

STATE OF WASHINGTON
WASHINGTON STATE PARKS AND RECREATION COMMISSION
7150 Cleanwater Lane, KY-11 • Olympia, Washington 98504-5711 • (206) 753-5755

April 14, 1988

72-56-55

The Honorable Booth Gardner
Governor, State of Washington
Legislative Building, AS-13
Olympia, Washington 98504

Dear Governor Gardner:

On behalf of the Washington State Parks and Recreation Commission and the Washington State Scenic Rivers Program, I am writing to support the designation of the Hanford Reach of the Columbia River into federal Wild and Scenic River Study status as proposed in U.S. Senate Bill 1050.

Wild and Scenic River Study status will support the intent of our state's Scenic Rivers Program. The purpose of the State Scenic Rivers Program is to balance the state's policy of permitting the construction of dams at appropriate sections of rivers with a program that protects and preserves the natural character of the state's river resources for outstanding natural, scenic, historic, ecological and recreational values. In reviewing several statewide river studies, the Hanford Reach of the Columbia has been recognized as having outstanding resource values by the Nationwide Rivers Inventory, the Pacific Northwest Rivers Study and Department of Fisheries anadromous fish studies.

Additional studies depict exceptional riverine habitat for bald eagles, Swainson's hawks, white pelicans and numerous waterfowl and songbirds. Our on-river inspection revealed sweeping vistas of sandstone cliffs and pristine river islands. The last remaining major spawning area for fall Chinook salmon ("upright brights") occurs on this reach.

The Scenic Rivers Program has selected this river as a candidate for state scenic river status based on its multitude of natural attributes, its scenic qualities and as a representative of major rivers of the Columbia River basin.

In balancing the policy of permitting the damming of the Columbia River system, it is very appropriate to seek protection and preservation for the last vestige of the mighty Columbia's freeflowing and wild river character. Because of the large federal land holdings along this reach, the State Scenic Rivers Program would have little authority over the reach if it were only included in our Scenic Rivers System. Therefore, federal designation is highly recommended.

I want to thank Senator Evans and Senator Adams for introducing this proposed bill.

Sincerely,

Jan Tveten

Jan Tveten
Director

er

cc: Commissioners
T. J. France, Assistant Director - Resources Development
Steve Starlund, State Scenic Rivers Coordinator

JERRY NEAL
Interim Director

STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE
600 North Capitol Way, GJ-11 • Olympia, Washington 98504-0091 • (206) 753-5700

April 14, 1988

The Honorable Booth Gardner
Governor, State of Washington
Legislative Building AS-13
Olympia, Washington 98504

RE: Support of S. 1850

Dear Governor Gardner:

Enclosed are our views on inclusion of the Hanford Reach of the Columbia River in the national Wild and Scenic Rivers Program. As you know, residents of Washington State, and throughout the Pacific Northwest, consider the Hanford Reach irreplaceable. Inclusion of this reach of the Columbia River in the Wild and Scenic Rivers classification would be an appropriate means of safekeeping.

Of the Columbia River's 650 miles within the United States, 600 miles (90 percent) have been converted to reservoirs created by 11 dams. The Hanford Reach, about 50 miles in length, from the City of Richland to Priest Rapids Dam, is the last significant free-flowing section of the Columbia River within the United States.

The Hanford Reach is a river-island-shoreland mosaic like no other on the Columbia River today. The unique fish and wildlife habitat of this reach is comprised of native wetland vegetation, arid vegetation, riffles, gravel bars, oxbow ponds, back-water sloughs, and twenty islands. It gives the viewer some idea of what the area was like when this was the frontier.

The area is fragile, sensitive to disturbance, and slow to recover, as evidenced from signs of man's activities discernible from 40 or 50 years ago. The components of the Hanford Reach (flowing river, islands, gravel bars, wetlands, and shorelands) are integral features of this environment. Change these features and you change what is there, whether rock or mud, plant, fish, wildlife, or man. To illustrate, 9 species of plants and 13 species of animals classed by federal and/or state authorities as endangered, threatened, or of concern occur here. The Hanford Reach is the only remaining place where two animal species are still known to occur in the State of Washington.

The Hanford Reach is perhaps best known as salmon and steelhead trout spawning grounds. The average number of salmon and steelhead spawners the last two years was estimated at 100,000-110,000 fish. The most heavily utilized spawning locales occur at river miles 365 to 376 (60 percent) and 390 to 394 (37 percent). Fall chinook salmon and steelhead trout spawn around islands, gravel bars, and across the bottom of the main channel in water 3-30 feet deep.

The Hanford Reach also supports a popular recreational fishery for a variety of species. Sportsmen harvested 21,000 salmon and steelhead there in 1986. These represent 82,000 individual fishing trips and a considerable contribution in revenues to the local communities enroute to the Hanford Reach.

Among the resident fish, smallmouth bass are often found in sloughs and back-waters during spring. Sloughs and back-waters are critical habitat for small-mouth bass spawning. Equally important, these areas serve as nursery areas for young bass. Smallmouth bass fishing is very popular in the Hanford Reach.

Sturgeon, like smallmouth bass, are associated with a specific habitat type: deep holes where the river bottom drops abruptly 25 to 50 feet. Of the deep holes shown on topographic maps of the Hanford Reach, about half are popular sturgeon fishing sites. We speculate that not many fishermen have discovered the remainder.

Walleye and whitefish (similar to trout) are present throughout the Hanford Reach. Both are popular with sportsmen from late fall through early spring.

The Hanford Reach is the last remaining habitat for the Columbia pebble snail. It is proposed as endangered in Washington and is a federal candidate for listing. A remnant population of the Columbia River limpet resides in the Hanford Reach. It is a state and federal threatened species candidate. The white pelican, state classed as endangered, is also found here seasonally.

Many kinds of animals and birds occur along the banks of the Hanford Reach. Mule deer inhabit both sides of the river, but occur in greatest abundance on the west shore within the Department of Energy reservation. A favorite browsing area of these deer is the "tideland" of river fluctuation. They feed on succulent vegetation wherever found in the "tidal zone" and have been observed to put their heads underwater to graze on tender submersed vegetation. The islands are preferred deer fawning grounds, because they are an effective barrier to terristrial predators. Wildlife biologists caution that the importance of islands and shorelands to many species not be overlooked.

A small but persistent population of sage grouse live on Department of Energy lands, mainly between river miles 388 (Vernita Bridge) and 376 (upper end of White Bluffs). The grouse occur here because their native rangeland has not been converted to farming.

The upper 11 miles of the Hanford Reach are the most important and sensitive habitat, so far as variety and abundance of fish and wildlife go. The most prominent feature, the White Bluffs, is home to many cliff nesters: prairie falcons, Canada geese, redtail hawks, kestrels, and swallows. A geologic-hydraulic condition has made the bluffs sensitive to water and disturbance, almost balanced on the head of a pin, so to speak. If not protected, they could suffer a disastrous collapse.

An average of about 400 Canada geese nest in the Hanford Reach each spring. Islands support most of the nesting due to protection from predators. They are also important waterfowl resting areas, as are gravel bars.

In the late fall and early winter, as many as 60,000-70,000 migratory ducks and geese use the Hanford Reach as a resting sanctuary during their stopover in central Washington. Hunting and boat recreation is prohibited throughout most of the Hanford Reach during fall and winter months. This is to provide waterfowl a resting place free from disturbance.

Wintering bald eagles (a federal and state threatened species) occur in the lower Hanford Reach. Trees provide communal night roosting sites, and plentiful waterfowl are their main dietary item. A black-crowned night heron rookery is located in this area, and great blue herons occur throughout the Hanford Reach.

California quail are common to abundant along both shores of Hanford Reach. Ring-necked pheasants begin to occur on the east shore at approximately the upstream end of Savage Island (river mile 359), with the first appearance of farmland close to the river.

So-called "furbearing" animals, such as beaver and coyotes, are present and common in the Hanford Reach.

We believe this diverse and abundant occurrence of fish, wildlife, and their habitat in the Hanford Reach would be adversely affected by construction of a major water development project, such as a hydroelectric dam or the proposed navigation channel.

The navigation project proposed by the U.S. Army Corps of Engineers would eliminate about 47 percent of the Hanford Reach's salmon and steelhead spawning areas. This is a conservative estimate, based on spawning surveys by Washington Department of Wildlife and Battelle Northwest biological staff and Corps of Engineers' planned routing. This would, in effect, reduce spawning area for 105,000 fish to that for only 50,000 fish. Over time, recreation for salmon and steelhead would decline from 82,000 annual fishing trips to 39,000.

The Corps estimates that dredging a navigation channel would remove approximately 600,000 cubic yards of spawning gravel. Disposal of dredge spoil is a key question. To dispose of it on shorelands or in water would destroy or degrade the habitat of other fish and wildlife. A "target" species might benefit from using dredge spoil in a certain manner, but at the expense of other species.

Waves generated by boat and barge traffic will accelerate erosion of shorelands. The light, sandy soils are quite susceptible to wave action. We are particularly concerned about the fate of islands and the White Bluffs. Heavy vessels such as tugs and motorized barges also generate propeller turbulence. We anticipate that churning caused by tugboat propellers will also create disturbance to spawning salmon and steelhead. Whether such daily disturbance would cause abandonment of some nest sites (redds) is unknown, but it's a possibility not to be dismissed.

Because of the complex, interwoven nature of the river, islands, and shorelands and the dependence of fish and wildlife on this mosaic for their very being, we believe that significant, irreversible impacts would result from a water development project in the Hanford Reach. To adequately mitigate impacts of this magnitude would require replacement of habitat of equal or greater value. We do not believe this would be practical to achieve.

Our knowledge and concern of the Hanford Reach, its uniqueness as an outdoor place, and our statutory responsibilities cause us to ask that the Hanford Reach be protected in the Wild and Scenic Rivers Program.

Sincerely,

THE DEPARTMENT OF WILDLIFE

Jerry Neal

Jerry Neal
Interim Director

JN:cv

JOSEPH R. BLUM
Director

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES
115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

RECEIVED
Bob N
APR 14 1988
OFFICE OF THE GOVERNOR

April 14, 1988

The Honorable Booth Gardner
Governor of Washington State
Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

The Department of Fisheries recommends your support of United States Senate Bill S.1850 which will designate the Hanford Reach of the Columbia River a study area for inclusion in the National Wild and Scenic Rivers System.

Historically, the Columbia River supported Washington State's most prolific salmon runs. An estimated 10-16 million salmon and steelhead returned annually to the Columbia River system prior to the construction of the several dams that have converted most of the once free-flowing Columbia into a series of lakes, and reduced the magnitude of the naturally spawning salmon runs to a fraction of their former level. By far, the most valuable remaining naturally spawning element of the Columbia River salmon runs is the "upriver bright" fall chinook. Formerly abundant throughout the Columbia/Snake River system, they remain in significant numbers only in the Hanford Reach, the last free-flowing stretch of the Columbia. The run in 1987, for example, was about 500,000 fish back to the river. For each fish returning to the river, a similar number are caught in sport and commercial fisheries from the Oregon coast to Southeastern Alaska. Because of their international migration, these fish are an important element of the recently negotiated U.S.-Canada Salmon Interception Treaty and maintaining or increasing the existing run is essential.

The Hanford Reach is critical to maintenance of the "upriver bright" fall chinook production. For example, the 1987 brood year naturally spawning fall chinook in the Hanford Reach are estimated to produce 35-40 million juvenile migrants in 1988. (By contrast, the Priest Rapids Hatchery which we operate in that region will produce 7.5 million juvenile migrants in 1988.) In order to maintan this production capability, the present high quality of the spawning and rearing habitat in the Hanford Reach must be maintained.

Senate Bill S.1850 will provide protection for the unique and highly valuable fish habitat present in this area of the Columbia River. The need to protect this area is particularly urgent due to the ongoing Corps of Engineers (COE) planning efforts on the mid-Columbia navigation project that would require dredging substantial areas of existing salmon spawning habitat to establish barge traffic through this area.

The COE is in the process of conducting an Environmental Impact Statement (EIS) on the mid-Columbia navigation project. They have been proposing an artificial spawning channel demonstration project as a portion of their EIS process. We object to the demonstration project for the following reasons, and request that S.1850 preclude the COE from pursuing this project during the study period required to determine the eligibility of the Hanford Reach for inclusion in the National Wild and Scenic River System.

1. The demonstration project will require substantial construction activity within the stream channel of the Hanford Reach and also on associated shorelands.
2. We anticipate large numbers of spawning fall chinook in the Hanford Reach in 1988, which will encourage use of all available spawning areas which, in turn, will lead to overoptimistic conclusions on the effectiveness of artificial channels.
3. As proposed, the project evaluation is insufficient to determine the failure or success of the artificial channel.
4. The construction of the demonstration project will impair the natural features of a portion of the Hanford Reach and may actually preclude Wild and Scenic designation for that portion of the Hanford Reach.

Thank you for your consideration.

Sincerely,

for Judith Merchant

Joseph R. Blum
Director

JRB:klg

STATEMENT OF HON. BROCK ADAMS, U.S. SENATOR FROM WASHINGTON

Senator **ADAMS**. Thank you, Mr. Chairman. I very much appreciate the opportunity to testify and I was very pleased to join with you and Representative Morrison in supporting S. 1850 for the Hanford Reach of the Columbia River.

Mr. Chairman, I am very pleased to testify in support of S. 1850, and I understand you have a number of witnesses so I will be very brief.

The potential for the inclusion of this in the wild and scenic river system is one of the most important things I believe the Public Lands Subcommittee can do at this point.

The main point is very simple. The Hanford Reach needs Federal protection. It is the last significant free-flowing section of the Columbia.

As the Chairman so well stated, we have dammed, channeled, blocked, and otherwise hindered the passage of the Columbia River to the Pacific, often for good causes, but the Hanford Reach is the last remaining area that has the pre-settlement characteristics, making it a unique and ecologically rich area.

Despite this, the Reach has been threatened by development projects which would destroy the very traits we should be preserving. By authorizing this study and providing eight years of protection from future damaging projects, Mr. Chairman, your bill protects and initiates a process which can preserve this river area.

The historical and environmental characteristics of the Hanford Reach just must be saved. As it is currently written, the one-year study of the Reach, and several groups will be testifying that this should be lengthened three years.

I would hope, Mr. Chairman, you might consider that, and the other Members of the subcommittee, because I know that there is concern that there be enough study to be certain we have protected it.

Mr. Chairman, I would like to also ask unanimous consent that my statement might appear in full in the record.

Senator **EVANS**. It will indeed.

Senator **ADAMS**. And Mr. Chairman, I would like to ask unanimous consent that the statement of the Governor of the State of Washington, Booth Gardner, in support of the bill, also be included in the record at this time.

Senator **EVANS**. We would be pleased to have his statement in the record.

Thank you very much, Senator Adams. We are delighted to have you as a colleague on this bill, and hopefully we can move it along.

Senator **ADAMS**. Thank you.

Senator **EVANS**. Now, I would welcome Senator Rudman from the State of New Hampshire here to testify on, I presume, on the bill that deals with New Hampshire.

STATEMENT OF HON. WARREN B. RUDMAN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator **RUDMAN**. Thank you, Mr. Chairman. It is a pleasure to appear before you.

Let me start out just parenthetically by saying to the Chairman that I was very impressed at his first efforts that I am aware of as an author, reading the Sunday New York Times Magazine section on why my good friend is leaving the Senate.

The logic was so overwhelming that it might even cause an epidemic.

Senator **EVANS**. I hope not.

Senator **RUDMAN**. I thought it was very well done.

Senator **EVANS**. Thank you.

Senator **RUDMAN**. Mr. Chairman, I am pleased to be here to testify in support of S. 1914, which would preserve and protect one of our State's national treasures, the Wildcat River.

Emerging from the White Mountains at Carter Notch, the Wildcat flows through forest and farm country for roughly 14 miles before it reaches the town of Jackson, New Hampshire. There the river cascades down a series of gentle falls into the center of town.

The river has attracted visitors to Jackson for more than 100 years, and is considered to be a central feature of the town, as much a part of Jackson's identity and well-being as the town hall behind which it flows.

In 1984, Congress approved legislation, sponsored by Senator Humphrey and I, which required a study of the Wildcat for possible wild and scenic designation. That study, conducted by the National Park Service, was completed last summer, and found the Wildcat River eligible for Federal designation as part of the Nation's system of wild and scenic rivers.

The strength of local support for S. 1914 is unprecedented. The town of Jackson at its annual town meeting, March of 1987, unanimously approved a warrant formally requesting the New Hampshire Congressional delegation to seek national wild and scenic river designation for the Wildcat River.

The importance that the people of Jackson attach to the Wildcat River is clearly demonstrated by the extraordinary steps they have taken to protect it. Individuals in the community have donated to the town approximately 466 acres of lands within the river corridor for recreational use.

And I might add parenthetically, Mr. Chairman, that in the State of New Hampshire, with the current economic boom it is enjoying, including our north country, that is a very substantial value that these individuals contributed for the good of the area.

In addition, the town has developed an effective conservation easement program to protect the lands adjacent to the river. Landowners have donated conservation easements to the town of Jackson, and to the Society for the Protection of New Hampshire Forests for 431 acres of riparian lands, restricting new development in perpetuity.

In March of 1987, the town of Jackson approved the creation of a river conservation district, which prohibits future building on the flood plains of Wildcat River, and increases building setback requirements for new construction near the river.

The town also approved a soils-based minimum lot size law, which bases zoning density on the capacity of the soils to assimilate sewage effluent.

As you can see, Mr. Chairman, the town of Jackson has acted in advance of designation to guarantee the preservation of the Wildcat River.

And I might add, because of their efforts, the National Park Service has determined that there is no need for any additional Federal land acquisition associated with the proposed designation. Their efforts are symbolic of the independence which is characteristic of our state.

S. 1914 recognizes the key role the town of Jackson has played and will continue to play in the ongoing job of protecting the Wildcat River.

If designated, 14.51 miles of river would be managed through an advisory commission consisting of representatives from the town of Jackson, the State of New Hampshire, and the United States Forest Service.

The placement of a portion of the Wildcat River into the National Wild and Scenic Rivers System is also consistent with efforts by local and state governments, environmental and business interest groups, and the Congressional delegation to seek wilderness designation for thousands of acres of White Mountain National Forest, and other lands, for the sole purpose of protecting them from development.

The lifestyle of northern New Hampshire, and thus the economy of that area, depends on maintenance of woodlands, lakes, and rivers in a wild and scenic condition. Formal designation is the only certain way to protect against the development that is already encroaching on the mountain and lake areas of New Hampshire and promises to accelerate in the future.

In my view, Mr. Chairman, New Hampshire's Wildcat River would be a valuable addition to the Nation's Wild and Scenic Rivers System. There is the simple beauty of the river, and the unspoiled country through which it flows.

By extending Federal protection to this river, we will ensure that no hydroelectric facility or other such development will impair the scenic and recreational value of the river and its environs.

Finally, it sets an example of an effective partnership between local and Federal entities to protect a valuable national resource.

Mr. Chairman, it is my sincere hope that this Committee and the Senate will act favorably on S. 1914. I know that a Senator from the great State of Washington would find a river that is 14 miles long in this area rather small. But small is beautiful in New Hampshire, Mr. Chairman. And we hope to get your favorable consideration.

[The prepared statement of Senator Rudman follows:]

TESTIMONY OF U.S. SENATOR WARREN B. RUDMAN

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 19, 1988

S. 1914, DESIGNATION OF THE WILDCAT RIVER

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. TODAY I AM PLEASED TO JOIN MY COLLEAGUE FROM NEW HAMPSHIRE, SENATOR HUMPHREY, IN TESTIFYING IN SUPPORT OF S. 1914, WHICH WOULD PRESERVE AND PROTECT ONE OF OUR STATE'S NATURAL TREASURES -- THE WILDCAT RIVER.

EMERGING FROM THE WHITE MOUNTAINS AT CARTER NOTCH, THE WILDCAT FLOWS THROUGH FOREST AND FARM COUNTRY FOR ROUGHLY 14 MILES BEFORE IT REACHES THE TOWN OF JACKSON, N.H. THERE THE RIVER CASCADES DOWN A SERIES OF GENTLE FALLS INTO THE CENTER OF TOWN. THE RIVER HAS ATTRACTED VISITORS TO JACKSON FOR MORE THAN 100 YEARS AND IS CONSIDERED TO BE A CENTRAL FEATURE OF THE TOWN, AS MUCH A PART OF JACKSON'S IDENTITY AND WELL-BEING AS THE TOWNHALL BEHIND WHICH IT FLOWS.

IN 1984, CONGRESS APPROVED LEGISLATION SPONSORED BY SENATOR HUMPHREY AND I WHICH REQUIRED A STUDY OF THE WILDCAT FOR POSSIBLE WILD AND SCENIC DESIGNATION. THAT STUDY, CONDUCTED BY THE NATIONAL PARK SERVICE, WAS COMPLETED LAST SUMMER AND FOUND THE WILDCAT RIVER ELIGIBLE FOR FEDERAL DESIGNATION AS PART OF THE NATION'S SYSTEM OF WILD AND SCENIC RIVERS.

THE STRENGTH OF LOCAL SUPPORT FOR S. 1914 IS UNPRECEDENTED. THE TOWN OF JACKSON AT ITS ANNUAL TOWN MEETING MARCH, 1987, UNANIMOUSLY APPROVED A WARRANT FORMALLY REQUESTING THE NEW HAMPSHIRE CONGRESSIONAL DELEGATION TO SEEK NATIONAL WILD AND SCENIC RIVER DESIGNATION FOR THE WILDCAT RIVER.

THE IMPORTANCE THAT THE PEOPLE OF JACKSON ATTACH TO THE WILDCAT RIVER IS CLEARLY DEMONSTRATED BY THE EXTRAORDINARY STEPS THEY HAVE TAKEN TO PROTECT IT. INDIVIDUALS IN THE COMMUNITY HAVE DONATED TO THE TOWN APPROXIMATELY 466 ACRES OF LANDS WITHIN THE RIVER CORRIDOR FOR RECREATIONAL USE. IN ADDITION, THE TOWN HAS DEVELOPED AN EFFECTIVE CONSERVATION EASEMENT PROGRAM TO PROTECT THE LANDS ADJACENT TO THE RIVER. LANDOWNERS HAVE DONATED CONSERVATION EASEMENTS TO THE TOWN OF JACKSON AND TO THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS FOR 431 ACRES OF RIPARIAN LANDS, RESTRICTING NEW DEVELOPMENT IN PERPETUITY. IN MARCH 1987, THE TOWN OF JACKSON APPROVED THE CREATION OF A RIVER CONSERVATION DISTRICT WHICH PROHIBITS FUTURE BUILDING ON THE FLOOD PLAINS OF WILDCAT RIVER AND INCREASES BUILDING SETBACK REQUIREMENTS FOR NEW CONSTRUCTION NEAR THE RIVER. THE TOWN ALSO APPROVED A SOILS-BASED MINIMUM LOT SIZE LAW, WHICH BASES ZONING DENSITY ON THE CAPACITY OF THE SOILS TO ASSIMILATE SEWAGE EFFLUENT.

AS YOU CAN SEE, THE TOWN OF JACKSON HAS ACTED IN ADVANCE OF DESIGNATION TO GUARANTEE THE PRESERVATION OF THE WILDCAT RIVER. AND I MIGHT ADD, BECAUSE OF THEIR EFFORTS, THE NATIONAL PARK SERVICE HAS DETERMINED THAT THERE IS NO NEED FOR ANY ADDITIONAL FEDERAL LAND ACQUISITION ASSOCIATED WITH THE PROPOSED DESIGNATION. THEIR EFFORTS ARE SYMBOLIC OF THE INDEPENDENCE WHICH IS CHARACTERISTIC OF OUR STATE.

S. 1914, RECOGNIZES THE KEY ROLE THE TOWN OF JACKSON HAS PLAYED AND WILL CONTINUE TO PLAY IN THE ONGOING JOB OF PROTECTING THE WILDCAT RIVER. IF DESIGNATED, 14.51 MILES OF RIVER WOULD BE MANAGED THROUGH AN ADVISORY COMMISSION CONSISTING OF REPRESENTATIVES FROM THE TOWN OF JACKSON, THE STATE OF NEW HAMPSHIRE AND THE U.S. FOREST SERVICE.

THE PLACEMENT OF A PORTION OF THE WILDCAT RIVER INTO THE NATIONAL WILD AND SCENIC RIVER SYSTEM IS ALSO CONSISTENT WITH EFFORTS BY LOCAL AND STATE GOVERNMENTS, ENVIRONMENTAL AND BUSINESS INTEREST GROUPS AND THE CONGRESSIONAL DELEGATION TO SEEK WILDERNESS DESIGNATION FOR THOUSANDS OF ACRES OF WHITE MOUNTAIN NATIONAL FOREST AND OTHER LANDS FOR THE SOLE PURPOSE OF PROTECTING THEM FROM DEVELOPMENT. THE LIFESTYLE OF NORTHERN NEW HAMPSHIRE AND THUS THE ECONOMY OF THAT AREA DEPENDS ON MAINTENANCE OF WOODLANDS, LAKES AND RIVERS IN A WILD AND SCENIC CONDITION. FORMAL DESIGNATION IS THE ONLY CERTAIN WAY TO PROTECT AGAINST THE DEVELOPMENT THAT IS ALREADY ENCROACHING ON THE MOUNTAIN AND LAKE AREAS OF NEW HAMPSHIRE AND PROMISES TO ACCELERATE IN THE FUTURE.

IN MY VIEW, NEW HAMPSHIRE'S WILDCAT RIVER WOULD BE A VALUABLE ADDITION TO THE NATION'S WILD AND SCENIC RIVER SYSTEM. THERE IS THE SIMPLE BEAUTY OF THE RIVER AND THE UNSPOILED COUNTRY THROUGH WHICH IT FLOWS. BY EXTENDING FEDERAL PROTECTION TO THIS RIVER, WE WILL ENSURE THAT NO HYDROELECTRIC FACILITY OR OTHER SUCH DEVELOPMENT WILL IMPAIR THE SCENIC AND RECREATIONAL VALUE OF THE RIVER AND ITS ENVIRONS. FINALLY, IT SETS AN EXAMPLE OF AN EFFECTIVE PARTNERSHIP BETWEEN LOCAL AND FEDERAL ENTITIES TO PROTECT A VALUABLE NATURAL RESOURCE.

MR. CHAIRMAN, IT IS MY SINCERE HOPE THAT THIS COMMITTEE AND THE SENATE WILL ACT FAVORABLY ON S. 1914.

Senator **Evans**. I thank you very much; 14 miles in any state is worthwhile saving, if it is worth saving.

I understand that this was preceded by a study bill and it has been under study.

Senator **Rudman**. That is correct.

Senator **Evans**. How long did that study take? What has been the process?

Senator **Rudman**. Well, what we did is we went through the legislative process, I believe it was, I lose track of time here, but it was in 1984 when we had that legislation passed.

Senator **Evans**. And it took essentially the time between then and now for the study to be concluded?

Senator **Rudman**. That plus obviously, in order to get favorable support here, the people in Jackson were determined to do what they had to do to show good faith and be able to come before the Committee and say, we do not need any new Federal funds to acquire Federal lands.

We have acquired the land, done it privately through donations, and it is now in perpetuity going to be in this district, and that is why we think that this deserves very favorable consideration.

Senator **Evans**. Even though we have had settlers in New Hampshire a lot longer than we have had in the State of Washington, has, during that entire period, that stretch of the river remained pretty much as it was? Have there been no intrusions by man on the river?

Senator **Rudman**. Basically not. There had been some controversy on some proposed projects. To my knowledge, there was nothing major that spoils that river at this time. But if I am incorrect in that answer, I will supply that for the record.

Senator **Evans**. Good. Thank you very much. Delighted to have your testimony, and I hope we can move rapidly on this bill.

Senator **Rudman**. I appreciate your courtesy, Mr. Chairman, in hearing me this morning, and many thanks.

Senator **Evans**. Thank you. We also have had, or expect to have at some point in the morning testimony from Senator Humphrey of New Hampshire. Oh, he has just arrived.

So we are delighted to welcome the Senator from New Hampshire, Senator Humphrey, to testify. We are pleased to have you before the Committee.

STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM NEW HAMPSHIRE

Senator **Humphrey**. Thank you, Senator Evans. May I begin by asking that the proceeding include in the record a letter from the Governor of New Hampshire, the Hon. John Sununu.

Senator **Evans**. We will include that in the record.

Senator **Humphrey**. Mr. Chairman, S. 1914 represents the culmination of years of effort by the citizens of Jackson, New Hampshire, working with the Congressional delegation, the National Park Service, and the U.S. Forest Service.

The bill, which will include 14.5 miles of the Wildcat River in the National Wild and Scenic Rivers System is really and truly, no kidding, a testimony to the commitment and the spirit of the people of the town of Jackson, and to the preservation of the unique features of the Wildcat River.

I will just skip over a lot of this, Mr. Chairman, if you will include it in the record fully.

Senator Evans. We will include the entire statement in the record.

Senator Humphrey. The unanimous support for designation by the town of Jackson and the implementation of a rigorous river conservation plan are unprecedented in the history of the Wild and Scenic program.

Over the last 18 months, land appraised at well over $600,000 has been protected through the town's ongoing conservation easement program at no cost to the Federal government.

In fact, as a result of the efforts of the town, the National Park Service concludes in its study that "there is no need for any additional Federal acquisition associated with proposed designation beyond the boundary of the White Mountain National Forest."

Mr. Chairman, the entire New Hampshire Congressional delegation, all four of us, and our Governor, as well as conservation groups throughout the state and the region, support the designation of the Wildcat River in Jackson.

Mr. Chairman, I thank you for scheduling this hearing today, and hope and urge and plead that the Committee will move expeditiously on this bill.

There is no opposition known except for you-know-who, the Forest Service.

[The prepared statement of Senator Humphrey and letter from Governor Sununu follow:]

TESTIMONY OF SENATOR GORDON J. HUMPHREY ON S. 1914

APRIL 19, 1988

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES

MR. CHAIRMAN, S. 1914 REPRESENTS THE CULMINATION OF YEARS OF EFFORT BY THE CITIZENS OF JACKSON, NEW HAMPSHIRE WORKING WITH THE CONGRESSIONAL DELEGATION, THE NATIONAL PARK SERVICE AND THE U.S. FOREST SERVICE. THE BILL, WHICH WILL INCLUDE 14.51 MILES OF THE WILDCAT RIVER IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, IS TESTIMONY TO THE COMMITMENT AND SPIRIT OF THE TOWN OF JACKSON AND TO THE UNIQUE FEATURES OF THE WILDCAT RIVER.

THE NATIONAL PARK SERVICE, THE AGENCY DIRECTED TO STUDY THE WILDCAT UNDER LEGISLATION ENACTED IN 1984, HAS RECOMMENDED DESIGNATION OF THE WILDCAT IN ITS FEBRUARY 1988 "DRAFT REPORT" STATING THAT "14.51 MILES OF WILDCAT BROOK AND ITS PRINCIPAL TRIBUTARIES ARE ELIGIBLE AND SUITABLE FOR ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM..." THE STUDY SPECIFICALLY CITES THE RIVER CONSERVATION PLAN WRITTEN BY THE TOWN OF JACKSON AS "...CONSISTENT WITH THE WILD AND SCENIC RIVERS ACT AND THE NATIONAL INTEREST IN CONSERVING THE OUTSTANDINGLY REMARKABLE VALUES OF WILDCAT BROOK."

THE UNANIMOUS SUPPORT FOR DESIGNATION BY THE TOWN OF JACKSON AND THE IMPLEMENTATION OF A RIGOROUS RIVER CONSERVATION PLAN ARE UNPRECEDENTED IN THE HISTORY OF THE WILD AND SCENIC PROGRAM. FOR INSTANCE, OVER THE LAST 18 MONTHS, LAND APPRAISED AT WELL OVER $600,000 HAS BEEN PROTECTED THROUGH THE TOWN'S ONGOING CONSERVATION EASEMENT PROGRAM AT NO COST TO THE FEDERAL GOVERNMENT. IN FACT, AS A RESULT OF THE OUTSTANDING EFFORTS OF THE TOWN, THE NATIONAL PARK SERVICE CONCLUDES IN ITS WILD AND SCENIC RIVER STUDY OF THE WILDCAT THAT "...THERE IS NO NEED FOR ANY ADDITIONAL FEDERAL ACQUISITION ASSOCIATED WITH PROPOSED DESIGNATION BEYOND THE BOUNDARY OF THE WHITE MOUNTAIN NATIONAL FOREST."

MR. CHAIRMAN, DURING CONSIDERATION OF LEGISLATION DIRECTING THE STUDY OF THE WILDCAT RIVER IN 1984, THIS COMMITTEE NOTED ITS "EXPECTATION THAT A STRATEGY WHICH EMPHASIZES A FEDERAL-STATE-LOCAL GOVERNMENT AND PRIVATE LANDOWNER PARTNERSHIP WOULD ENJOY THE GREATEST LIKELIHOOD OF SUCCESS IN PROTECTING THE RIVER." CONSISTENT WITH THE COMMITTEE'S RECOMMENDATION AND THAT OF THE NATIONAL PARK SERVICE, S. 1914 STIPULATES THAT THE RIVER SEGMENTS LOCATED OUTSIDE OF THE BOUNDARY OF THE WHITE MOUNTAIN NATIONAL FOREST BE MANAGED THROUGH A COOPERATIVE AGREEMENT WITH THE U.S.

FOREST SERVICE, THE STATE OF NEW HAMPSHIRE AND THE TOWN OF JACKSON. THIS PROVISION BUILDS UPON THE FRAMEWORK OF COOPERATION WHICH HAS BEEN ESTABLISHED OVER THE YEARS AS THE WILDCAT BROOK ADVISORY COMMITTEE DEVELOPED ITS PLAN FOR CONSERVING THE RIVER.

THE WILDCAT RIVER FROM ITS QUIET HEADWATERS ABOVE THE CARTER LAKES IN THE NATIONAL FOREST TO THE RUSHING WATERS OF JACKSON FALLS HAS ATTRACTED TOURISTS AND NATURALISTS SINCE EARLY IN THE 19TH CENTURY. THE FALLS, THE CENTERPIECE OF THE TOWN OF JACKSON, DROPS 165 FEET IN ONLY TWO-FIFTHS OF A MILE CREATING A UNIQUE WATERFALL WHOSE WIDE GRANITE STEPS ARE ESPECIALLY WELL-SUITED TO SWIMMING AND WADING. THE FACT THAT A RECENT RESIDENT SURVEY DETERMINED THAT WELL OVER 90% OF THE TOWNSPEOPLE SUPPORT PRESERVATION OF THE WILDCAT RIVER SPEAKS TO THE IMPORTANCE OF THIS RESOURCE AND ASSURES THE LOCAL SUPPORT NECESSARY FOR A SUCCESSFUL DESIGNATION.

THE FOLLOWING FACTORS MAKE THE WILDCAT RIVER A PERFECT CANDIDATE FOR FEDERAL PROTECTION UNDER A LAW DESIGNED TO PROTECT SELECTED OUTSTANDING RIVERS FOR "THE BENEFIT AND ENJOYMENT OF PRESENT AND FUTURE GENERATIONS":

-- JACKSON'S RIVER CONSERVATION PLAN DOCUMENTS THE ACTIONS WHICH HAVE ALREADY BEEN UNDERTAKEN BY THE TOWN AND PRIVATE OWNERS TO CONSERVE THE WILDCAT RIVER OUTSIDE THE WHITE MOUNTAIN NATIONAL FOREST BOUNDARY.

-- THE WILDCAT BROOK ADVISORY COMMITTEE'S CONCLUSION THAT THE TOTAL AMOUNT OF LAND PROTECTED UNDER THE RIVER CONSERVATION PLAN IS IN EXCESS OF 5,000 ACRES PROVIDES ASSURANCE THAT RIPARIAN LANDS WILL BE PROTECTED IN PERPETUITY.

-- THE UNANIMOUS VOTE OF THE MARCH 1987 TOWN MEETING UNDERSCORES THE COMMUNITY SUPPORT FOR WILD AND SCENIC DESIGNATION.

-- THE NATIONAL PARK SERVICE STUDY SETS FORTH THE SUITABILITY AND ELIGIBILITY OF THE RIVER ITSELF.

THE NEW HAMPSHIRE CONGRESSIONAL DELEGATION AND OUR GOVERNOR AS WELL AS CONSERVATION GROUPS THROUGHOUT THE STATE AND THE REGION SUPPORT THE DESIGNATION OF THE WILDCAT RIVER IN JACKSON.

I THANK THE CHAIRMAN FOR SCHEDULING TODAY'S HEARING TO CONSIDER S. 1914 AND HOPE THAT THE COMMITTEE WILL CONTINUE TO MOVE EXPEDITIOUSLY ON THIS BILL. I LOOK FORWARD TO WORKING WITH THIS COMMITTEE, THE NATIONAL PARK SERVICE AND THE U.S. FOREST SERVICE TO ENACT THIS LEGISLATION.

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR
STATE HOUSE · CONCORD, NEW HAMPSHIRE 03301-4990

JOHN H. SUNUNU
GOVERNOR

[illegible] FEB 2[illegible] AM 11 54

February 23, 1988

The Honorable Gordon J. Humphrey
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Gordon:

In response to your letter dated December 11, 1987, I am pleased to express my support for S.1914. This legislation designates 14.51 miles of the Wildcat River as a unit of the National Wild and Scenic Rivers System.

This legislation is a good example of how the people of New Hampshire can make a federal program fit local needs. The town of Jackson decided in 1983 to pursue federal protection for the river, and their perseverance and dedication have resulted in your legislation nearly five years later. Also, I am particularly pleased to see the cooperative federal-state-local approach to management of the river.

We agree with the findings of the National Park Service study that the Wildcat River meets the criteria of the National Wild and Scenic River System: there is strong local and state support; designation does not require any federal or state funds; and it is a uniquely New Hampshire approach to cooperative management. I support S.1914 and applaud the efforts of all the parties involved to protect this valuable natural resource.

Sincerely,

John

John H. Sununu
GOVERNOR

JHS/laj:37

Senator **Evans**. We will have an opportunity to hear from them later in the hearing. It is a delight to have you appear before us, and to have the united support of the New Hampshire delegation and of the Governor of New Hampshire. I think that is a very powerful statement on behalf of this bill.

We appreciate having you. Thank you very much.

Senator **Humphrey**. Thank you very much.

Senator **Evans**. Next we are delighted to welcome the Honorable Jay Rockefeller, Senator from West Virginia, to testify.

STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA

Senator **Rockefeller**. Thank you, Mr. Chairman, and distinguished Members of the Committee.

The bill that I hope that you will report out of Committee, and hopefully will go on to full passage in the Senate, is Senate bill 1720, which is entitled, The West Virginia National Interest Rivers Conservation Act of 1987.

This bill has already been, or a version very close to it, has already been passed in the House. Congressman Rahall, who represents the area where this will be, these changes will be taking place for the most part, he helped shepherd that through the House last May.

And there are also going to be two West Virginians, Mr. Chairman, testifying today and this morning, in fact, in favor of this bill. One of them is, I would like to introduce them now actually.

One of them is Doug Maddy who is the President of the Fayette County Chamber of Commerce, long involved in recreation and commerce in that part of the state. And also Mr. John Purbaugh, President of the West Virginia Highlands Conservancy, which is a superb environmental and land interested organization throughout West Virginia.

The purpose of my bill, Mr. Chairman, is to protect and enhance the natural scenic, cultural, and recreational values of these particular rivers that I am talking about, the Gauley, the Meadow, and the Bluestone rivers.

I believe, quite honestly, that this bill is in the interests of the Nation. I know it is in the interests of the State of West Virginia. And it has widespread support among the people living in that area, which is not always the case, as the Chairman knows.

Sometimes wild and scenic designation, or other designations, can cause a lot of problems in the area. But that is not the case here. Because I think they understand that there will be significant economic benefits, that the recreational benefits are manifest and obvious in West Virginia, and the environmental benefits will be very strong. And that is clear.

Now, for some background, in 1978 when the New River, which flows through a number of Southern states, is the second oldest river in the world, outside of the Nile River, and it is called the New River, oddly enough.

When it was designated in 1978 as a national river through legislative action, there was a study that was legislatively mandated at that time. And the Park Service, in doing that study, determined that the Bluestone, the Gauley, and the Meadow were in fact outstanding rivers in terms of their scenic natural, recreation, and cultural characteristics.

As a result of these studies, and as a result of the strong support of the citizens of that area, those various areas, I am introducing, have introduced S. 1720, which you are considering today, to establish a portion of the Gauley River as a national recreation area, and to designate the lower portions of the Meadow and the Bluestone Rivers as the State's first wild and scenic rivers. We have none up to this point. This bill also, Mr. Chairman, allows for some boundary modifications in the New River Gorge National River area.

Protection of these rivers in their free-flowing natural state will in fact preserve these rivers for enjoyment by our citizenry in our State and all across the country for the future.

Federal designation of these rivers obviously will enhance their economic integrity in the region. Seven thousand tourists visited the New River Gorge last year. My bill, frankly, will provide, if it passes and survives the Congressional process, enormous and heightened, enhanced awareness of these rivers in terms of their recreation and their beauty, and will bring more tourists. And frankly, we care about that.

In West Virginia, as you know, Mr. Chairman, we are struggling, we have been struggling for many, many years, we have booms and we have busts, but for the most part we have busts.

And it is tough going, particularly in the part of the state where these areas are, where these rivers are, it is very tough going. We have very high unemployment, we lead the Nation in unemployment at this particular time.

And so you might say that that should not give us any more right to have wild and scenic designation of national recreation designation for our rivers. But I have to say that it means a great deal to us, because of our economic condition.

And the fact that the State happens to be so beautiful, and poor, in many ways, those two juxtapose comfortably, it seems to me, in terms of this bill.

Frankly, we have worked very hard to upgrade our road system in this area, which will help people come to that area. The recently-funded New River Parkway, we have just completed after many, many years. The turnpike, which is a Cleveland-Erie, Cleveland right down to Florida interstate. And also the completion of Interstate 64, which comes from another direction. All of them are in this area and hold great promise for bringing people to them.

Through S. 1720, that is the Senate bill, the Gauley River national recreation area will cover a 24.5 mile segment from Summersville, West Virginia to Swiss in Nicholas County.

This area provides one of the most spectacular wild water experiences anywhere in the country. It is boulder strewn, the channels are deep, the ledges are high, the chutes are narrow, and it is glorious rafting.

I am not an expert rafter, but those who know it say that it is some of the finest rafting, classified Class Six, that can be found anywhere in the country.

In 1986, Mr. Chairman, whitewater recreation on the Gauley River alone pumped over $16 million into our economy in that area, and that means a lot to us.

The Meadow River will be hopefully designated from Route 19 bridge there to the Carnifax Ferry, where it joins with the Gauley River. And that is a wild and primitive conditioned river.

It is even more demanding in terms of whitewater rafting, very narrow channels, steep gradients, and again spectacular scenery.

One of the most pristine rivers in the entire United States is the Bluestone. That is not just our judgment, that is the National Park Service's judgment. It is known for its beauty, for its magnificent gorge, and it offers in turn great opportunities for fishing, for camping, for rafting, and also for canoeing.

Now, Mr. Chairman, without any doubt, the rivers that I have proposed for Federal designation are, at least in the judgment of this Senator, worthy, and joined by Senator Byrd I might say, worthy of inclusion in the system of wild and scenic rivers.

Enactment of this legislation will complement the existing New River Gorge National River. It will mean a great deal to the economy of our area, and obviously will protect these rivers for generations to come.

I should say that we went to great lengths to contact community leaders and others throughout the areas that are affected. They are in support of it. And we think that this consensus is somewhat unusual and very encouraging, so that I am hopeful that your subcommittee and full Committee, Mr. Chairman, will approve this possibility for West Virginia.

Senator EVANS. Thank you very much for your testimony. We will later have representatives of the Park Service speak on all of the bills which are in front of us.

And the testimony, presuming that it is the same as has been presented to us, in reference to the Gauley, Meadow, and Bluestone, talks about the scenic, recreational, geologic, fish and wildlife, historic, cultural values.

But then goes on to say, however, these river segments were not recommended for designation by the Administration in 1985 because of a lack of support for Federal administration.

And then goes on to say, while the pending legislation indicates that there is public support for Federal involvement in the protection of these rivers, we do not recommend their designation as Federally-managed components of the national system.

They have several proposals for amendment, and they deal with several sections. I do not know if you have had an opportunity yet to look at their testimony. But if not, you may wish to add to the record a response to the testimony of the Park Service, which——

Senator ROCKEFELLER. Mr. Chairman, we will not only do that, but I think the Chairman is well aware of the fact that the Federal Administration is opposing any and all designation of new recreation areas, of new wild and scenic rivers.

I mean, it is simply the policy of the Administration, I think coming out of OMB, to oppose all. And so I think the National Park Service is therefore bound to reflect that in their testimony.

Senator EVANS. One of the problems we do have, as a Nation, is that we have built an inventory of something close to $2 billion worth of land, which we have set aside in one form or another for protection, but have been unable to purchase.

We leave people with a cloud on their land because they know that there is going to be, at some future time, an acquisition, but we have not provided the money for that acquisition.

To what degree could this be a problem in any of these designations that are now in front of us?

Senator ROCKEFELLER. I do not think it is going to be a major problem. It obviously is, some money is going to be required.

There is, and I am looking for the name of it now, the Trust for Public Lands in West Virginia has been purchasing some of the areas already. And that is what they do. They kind of act as that transitional buffer between the will and the act.

And secondly, in other areas, the state and the Federal government already control, that is own, much of the land that is involved. That is not to say that there will not be some purchasing involved, and there will be.

But I think it is a rather better situation compared to many others.

Senator EVANS. I know the Trust for Public Lands, and I am familiar with their work. They do an extraordinarily good job. Are they still active in the area, seeking to add to the purchases they have already made?

Senator ROCKEFELLER. As far as I know, they are. And I think that action here will encourage them only more.

Senator EVANS. Good. We thank you very much for your testimony, and for your participation.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

Senator EVANS. Is Congressman Rahall here? Has he arrived yet?

If not, we will proceed with the testimony, and when Congressman Rahall does arrive, we will have his testimony presented at that time.

I will ask that the next three witnesses appear on a panel. We may wish to go back and forth on some of the questions. Robert Stanton, Associate Director of Operations of the National Park Service, G. Edward Dickey, Deputy of Program Planning, Review and Evaluation, the Department of the Army, and George Leonard, Assistant Chief of the Forest Service.

If those three will come forward, we will hear from each of you, and then be able to ask questions of the panel. We welcome you gentlemen to the Committee. All of your statements will be included in full in the record. You may proceed as you wish in terms of testimony on each of the three bills or all of the three bills which are in front of us. I will start with Mr. Stanton.

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY JOE KENNEDY, SUPERINTENDENT, NEW RIVER GORGE NATIONAL RIVER

Mr. STANTON. Thank you, Mr. Chairman. On behalf of the National Park Service, I appreciate the opportunity to provide your subcommittee with the view of this department on S. 1720 and H.R. 900.

Mr. Chairman, we oppose the enactment of either bill unless amended as recommended in this statement. In summary, S. 1720 would, number one, revise the boundary of New River Gorge National River, West Virginia, by adding 6,883 acres and excluding 6,244 acres, a net addition of 639 acres.

Secondly, this measure would add several administrative and management requirements to the New River Gorge authorizing legislation.

Thirdly, this measure would establish a national recreation area, the Gauley River National Recreation Area, comprising 9,415 acres along 25.7 miles of the Gauley River.

Fourth, it would designate 4.5 miles of the Meadow River as a wild river component of the National Wild and Scenic Rivers System.

Fifth, it would designate 10 miles of the Bluestone River as a scenic river component of the National Wild and Scenic Rivers System, and require certain management practices by Federal agencies regarding river resources.

H.R. 900 is a similar bill, which the House of Representatives passed on May 27, 1987. I should note, however, that in addition to the provisions noted in the above, H.R. 900 would mandate a three-year black fly control program by the State, and the bill would also designate a segment of the Greenbrier River as a component of the National Wild and Scenic Rivers System.

In reference to the New River Gorge National River, Title XI of the National Park and Recreation Act of 1978 authorized the national river.

The boundary encompasses a little bit over 62,000 acres, of which 50,000 acres are privately owned, 6,000 acres are currently owned by the State of West Virginia or other public bodies, and 5,500 acres are owned in fee by the Federal Government, plus 117 acres in less-than-fee by the Federal Government.

The General Management Plan for the river was completed in 1982, and the Land Protection Plan was prepared in 1984. The process that resulted in those plans includes analysis of possible boundary changes as required in Section 1109 of the 1978 Act.

The General Management Plan identified 14 boundary adjustments which would have resulted in a net reduction of 5,500 acres. Since that time, the boundary adjustments have been refined to include additional properties, which we believe are essential for proper protection and management of the area.

The adjustments we recommend are now reflected in the new boundary that would be established in S. 1720. The estimated cost of acquiring the additional lands is $1.7 million. However, the lands excluded are all privately owned, and if acquired would cost the government $1.5 million.

The added lands can be acquired within the existing $20 million legislative ceiling for land acquisition at the New River Gorge. There has been $17.7 million appropriated since 1978.

We recommend that Section 103 and Section 104 be deleted from the bill. They mandate acquisition, development, and certain practices associated with commercial whitewater rafting.

The House-passed bill further requires a study and report to Congress on the timing of release of water from the Bluestone Reservoir during low flows. The study would be required to be made by the Corps of Engineers.

Whitewater rafting and fishing and providing facilities to support these uses are all addressed in our management plans. We believe, Mr. Chairman, that our management plan and activities will accommodate the appropriate use of the river.

In reference to Gauley, Meadow, and Bluestone Rivers, Section 1108 of the National Parks and Recreation Act of 1987 amended the Wild and Scenic Rivers Act to provide for studies of these rivers.

The study reports were transmitted to Congress in April 1985. The studies found that 50.4 miles of Gauley, 27.8 miles of the Meadow, and 25.5 miles of the Bluestone were eligible for designation.

That is, they possess outstanding and remarkable scenic, recreational, geologic, fish and wildlife, historical, and cultural resources, as required in Section 1 of the Wild and Scenic Rivers Act.

However, these river segments were not recommended for designation by the Administration in 1985 because of a lack of public support for Federal administration.

While the pending legislation indicates that there is public support for Federal involvement in the protection of these rivers, we do not recommend their designation as Federally managed components of the national system.

Most of these river corridors, including most of the lands within the proposed Gauley River, are private or State-owned. Under the Wild and Scenic Rivers Act, fee acquisition on the average of 100 acres per mile on both sides of the river is authorized.

Designation of these rivers as components of the national system would constitute a series of new Federal land acquisition projects at a time when the Administration is attempting to reduce Federal spending. Therefore, we recommend that the State, Mr. Chairman, undertake protection of these river segments.

We would certainly defer to the Department of Agriculture with respect to the Greenbrier River, as designated in the House-passed bill.

Let me just comment a little bit further about the general management provisions of the proposed measure. We recommend that Title V, setting forth certain management requirements, be deleted from the bill.

Among other things, Section 501 directs the Secretary of the Interior to assist the State and the county authorities to coordinate development and promotion of recreational resources managed by the State.

We believe the State should promote areas of State significance. If technical assistance in management is appropriate, such is already authorized under the Act, which the National Park Service would be proud to provide to the State.

Section 502 requires the Secretary to permit the State to regulate commercial recreational watercraft services. This measure, if enacted, Mr. Chairman, would be inconsistent with our responsibilities for administering commercial activities pursuant to the Concessions Management Act of 1965.

Section 502 of the House-passed bill would also require the Secretary to permit the State to conduct activities to control black flies within areas administered by the National Park Service.

We prefer that the approach dictated by the management policies of the National Park Service be enacted to protect the visitors in their use of the resources at New River Gorge. The National Park Service's policies address the use of herbicides and pesticides.

Lastly, in reference to Section 503, which would require the Secretary to conduct a public awareness program to further public understanding of possible designation of portions of the rivers not designated in this bill, we suggest that this section is unnecessary, and it may be appropriate for the National Park Service to conduct a public awareness program for rivers which the President did not recommend for designation.

We have authority to provide information and other types of assistance and will respond to requests for information from the State or from other interested members of the public relative to the rivers program.

Mr. Chairman, this concludes my prepared remarks, and I would be pleased to respond to any questions you may have, or to defer to the other gentlemen here at the table.

[The prepared statement of Mr. Stanton on S. 1720 and H.R. 900 follows:]

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1720 AND H.R. 900, BILLS TO PROTECT AND ENHANCE SEGMENTS OF THE NEW, GAULEY, MEADOW, AND BLUESTONE RIVERS IN WEST VIRGINIA.

APRIL 19, 1988

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of this Department on S. 1720 and H.R. 900.

We oppose enactment of either bill unless it is amended as recommended in this statement.

In summary, S. 1720 would:

-- revise the boundary of the New River Gorge National River, West Virginia, by adding 6,883 acres and excluding 6,244 acres, a net addition of 639 acres;

-- add several administrative and management requirements to the New River Gorge authorizing legislation;

-- establish a new national recreation area, the Gauley River National Recreation Area, comprising 9,415 acres along 25.7 miles of the Gauley River;

-- designate 4.5 miles of the Meadow River as a wild river component of the National Wild and Scenic Rivers System;

-- designate 10 miles of the Bluestone River as a scenic river component of the National Wild and Scenic Rivers System; and

-- require certain management practices by Federal agencies regarding river resources.

H.R. 900 is a similar bill, which passed the House of Representatives on May 27, 1987. In addition to the provisions noted above, H.R. 900 would mandate a 3-year, black-fly control program by the State, and the bill would also designate a segment of the Greenbrier River as a component of the Wild and Scenic Rivers System.

New River Gorge National River. Title XI of the National Parks and Recreation Act of 1978 authorized this national river. The boundary encompasses 62,024 acres, of which 50,155.74 acres are privately owned, 6,301.82 acres are owned by the State of West Virginia or other public bodies, and 5,449.43 acres are owned in fee by the Federal Government. We also have less-than-fee interests in 117.01 acres.

The General Management Plan for the river was completed in 1982, and the Land Protection Plan was prepared in 1984. The process that resulted in those plans included analysis of possible boundary changes, as required by section 1109 of the 1978 Act. The General Management Plan identified 14 boundary adjustments, which would have resulted in a net reduction of 5,500 acres. Since that time, the boundary adjustments have been refined to include additional properties which we believe are essential for proper protection and management of the area. The adjustments we recommend now are reflected in the new boundary that would be established in S. 1720. The estimated cost of acquiring the added lands is $1,700,000; however, the lands excluded are all privately owned and, if acquired, would cost the Government $1,550,000.

The added lands can be acquired within the existing $20 million ceiling. There has been $17,744,145 appropriated since 1978. We recommend that sections 103 and 104 be deleted from the bill. They mandate acquisition, development, and certain practices associated with commercial whitewater rafting. The House-passed bill further requires a study and report to Congress on the timing of release of water from Bluestone Reservoir during low flows. The study would be required to be made by the Corp of Engineers.

Whitewater rafting and fishing, and providing facilities to support these uses, are all addressed in our management plans and rules for all river users. The effect of these sections is to eliminate any need for management planning, which is based on an analysis of the resources and includes participation by a broad spectrum of concerned members of the public and interested organizations. If there are Congressional concerns with our management plans we welcome oversight, but we believe legislation is not necessary.

Gauley, Meadow, and Bluestone Rivers. Section 1108 of the National Parks and Recreation Act of 1978 amended the Wild and Scenic Rivers Act to provide for studies of the Gauley, its tributary the Meadow, and the Bluestone Rivers. The study reports were transmitted to the Congress in April 1985. The studies found that 50.4 miles of the Gauley, 27.8 miles of the Meadow, and 25.5 miles of the Bluestone were eligible for designation. That is, they possessed outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values as required in section 1 of the Wild and Scenic Rivers Act. However, these river segments were not recommended for designation by the Administration in 1985 because of a lack of public support for Federal administration.

While the pending legislation indicates that there is public support for Federal involvement in the protection of these rivers, we do not recommend their designation as federally managed components of the National System. Most of the land within these river corridors, including most of the land within the proposed Gauley River National Recreation Area, is private or State-owned. Under the Wild and Scenic Rivers Act, fee acquisition of an average of 100 acres per mile on both sides of the river is authorized. Designation of these rivers as components of the National System would constitute a series of new Federal land acquisition projects at a time when the Administration is attempting to reduce Federal spending. We recommend that the State undertake protection of these river segments.

We defer to the views of the Department of Agriculture with respect to the Greenbrier River as designated in the House-passed bill.

General Management Provisions We recommend that title V, setting forth certain management requirements, be deleted from the bill.

Among other things, section 501 directs the Secretary to assist State and county authorities to coordinate development and promotion of recreational resources managed by the State. We believe the State should promote areas of State significance. If technical assistance in management is appropriate, such is already authorized under the Act of May 28, 1963, under which the National Park Service conducts its basic recreation assistance programs.

Section 502 requires the Secretary to permit the State to regulate commercial recreational watercraft services. This is inconsistent with the National Park Service Concessions Policies

Act of October 9, 1965, under which the Secretary of the Interior is permitted to authorize commercial services in the parks.

Section 502 of the House-passed bill also requires the Secretary to permit the State to conduct activities to control black flies within areas managed by the National Park Service. We prefer the approach dictated by the management policies of the National Park Service. This policy sets a standard for application of herbicides and pesticides that we follow nationwide.

Section 503 would require the Secretary to conduct a public awareness program to further public understanding of possible designation of portions of rivers not designated in this bill. It requires a report to the authorizing Congressional Committees in 3 years. We believe this section is unnecessary, and it may not be appropriate for the National Park Service to conduct a public awareness program for rivers which the President did not recommend for designation. We have authority to provide information, and we will respond to requests for information from interested members of the public.

This concludes my prepared remarks. I would be pleased to respond to any questions you may have.

Senator **Evans**. Thank you. I see that Congressman Rahall has arrived. We will withhold testimony from the panel and have him appear now. Please come forward. We are delighted to have you with us, and pleased to have you come and testify.

STATEMENT OF HON. NICK J. RAHALL II, U.S. REPRESENTATIVE FROM WEST VIRGINIA

Mr. **Rahall**. Thank you, Mr. Chairman. I apologize for my tardiness and that I could not be here with our Senator, Jay Rockefeller. Our plane coming in from West Virginia was tardy, as normal. this morning.

It does give me great pleasure to join with Senator Rockefeller in commending the West Virginia National Interest River Conservation Act to this Committee.

I am very appreciative of the time that you have taken from your schedule to conduct this hearing, and to allow those interested Members from our State of West Virginia to be with you this morning.

This legislation does represent exactly what the name implies. It is in the national interest to conserve the three West Virginia rivers addressed by this bill, and with its enactment we will have established the largest network of Federally-protected rivers in the eastern United States.

These rivers are all tributaries of the mighty New River, what was designated as a national river by the Congress in 1978. Entrenched in a rugged valley topped by lofting rock outcrops, the 25-mile segment of the Gauley River designated as a national recreation area under this legislation is the premier whitewater run in the East.

The 4.5 mile segment of the Meadow River, designated as a national wild river, is extremely pristine, and has been called the forbidden fruit of eastern whitewater.

The Bluestone River offers a more serene recreational experience, and this legislation would designate an 11-mile segment as a national scenic river.

We have worked long and hard to devise this legislation. It is perhaps unique among measures of this nature in that it enjoys the broad support of such a wide range of interests, from the local chamber of commerce to regional and national environmental groups, from the commercial whitewater outfitters to the United Mineworkers of America.

The House version, H.R. 900, is sponsored by the entire West Virginia Congressional delegation, and was passed by the House last May.

Under the leadership of our West Virginia Senators, Jay Rockefeller and Robert Byrd, and this Committee, we look forward to favorable consideration of this measure by this body in the near future.

Mr. Chairman, again I express my appreciation to you and Members of this Committee for allowing this bill to be heard today, and we appreciate that very much. Thank you.

[The prepared statement of Mr. Rahall follows:]

STATEMENT OF U.S. REP. NICK J. RAHALL, II
"West Virginia National Interest River Conservation Act"
before the Subcommittee on Public Lands, National Parks and Forests

April 19, 1988

Mr. Chairman, it gives me great pleasure to join our distinguished senator from the State of West Virginia, Jay Rockefeller, in commending the "West Virginia National Interest River Conservation Act" to this Committee.

This legislation represents what the name implies. It is in the national interest to conserve the three West Virginia rivers addressed by the bill, and with its enactment, we will have established the largest network of federally protected rivers in the eastern United States.

Mr. Chairman, these rivers are all tributaries of the mighty New River which was designated as a national river in 1978.

Entrenched in a rugged valley topped by lofting rock outcrops, the 25 mile segment of the Gauley river designated as a national recreation area under this bill is the premier whitewater run in the East.

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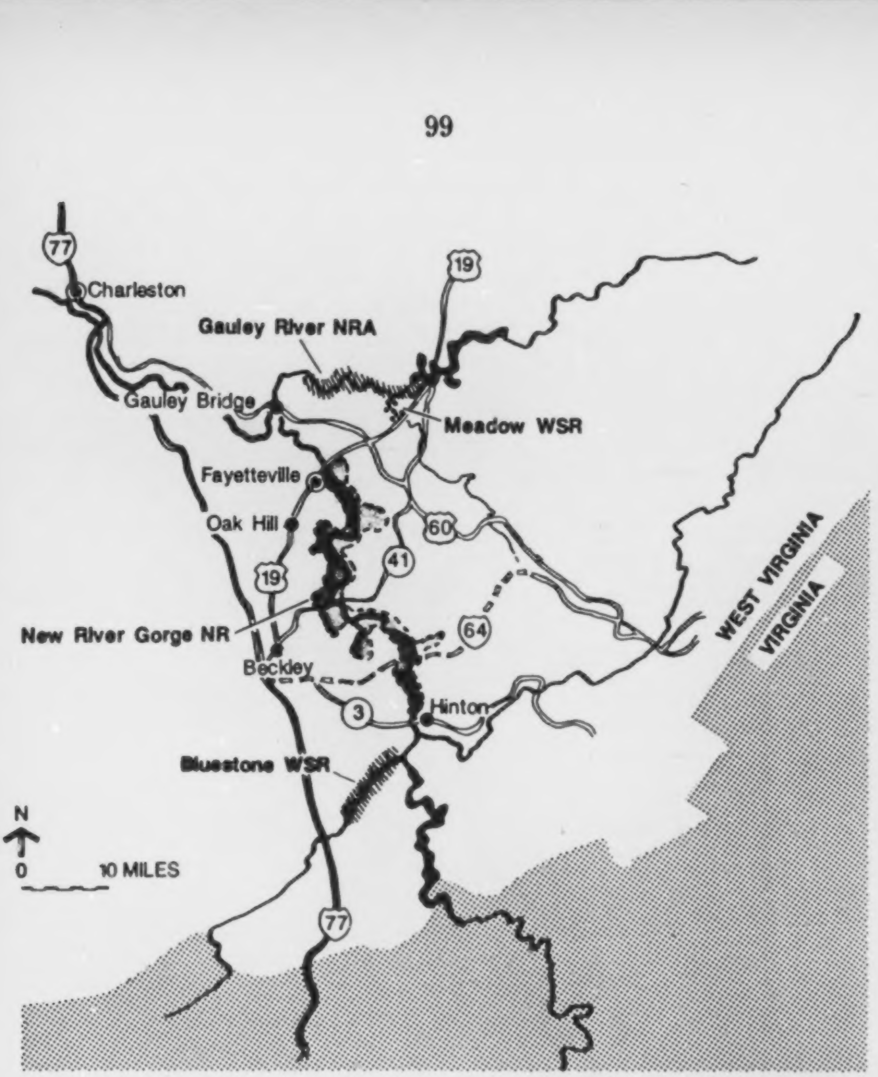
The Bluestone River offers a more serene recreational experience, and this legislation would designate an 11 mile segment as a national scenic river.

We have worked long and hard to devise this legislation and it is perhaps unique among measures of this nature in that it enjoys the support of such a wide range of interests -- from the local chamber of commerce to regional and national environmental groups, from the commercial whitewater outfitters to the United Mine Workers of America.

The House version, H.R. 900, is sponsored by the members of the West Virginia House Delegation and was passed by the House last May. Under the leadership of our West Virginia Senators and this Committee, we look forward to favorable consideration of this measure by this body in the near future.


77
Charleston
19
Gauley River NRA
Gauley Bridge
Meadow WSR
Fayetteville
Oak Hill
60
41
19
New River Gorge NR
64
WEST VIRGINIA
VIRGINIA
Beckley
3
Hinton
Bluestone WSR
N
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10 MILES
77

VICINITY

GAULEY RIVER NATIONAL RECREATION AREA
BLUESTONE WILD & SCENIC RIVER
MEADOW WILD & SCENIC RIVER
NEW RIVER GORGE NATIONAL RIVER

637/20,017 JANUARY 1987

Senator **Evans**. We are pleased to have your testimony. I do not know whether you were here to hear all of the testimony of Mr. Stanton on behalf of the National Park Service. There were several modifications or changes that they recommended in the bill.

Perhaps you would like to examine that testimony and then the record will remain open if you and other members of the delegation would like to respond to some of those comments of the National Park Service.

Mr. **Rahall**. I would appreciate that opportunity, Mr. Chairman. I would like to respond to them. I am not aware of all of those recommendations at this point, because, as I say, I apologize for my tardiness.

Senator **Evans**. That is quite all right. Only rarely do airlines run late nowadays. [Laughter.]

We thank you very much for your testimony and for being here.

Mr. **Rahall**. Thank you, sir.

[Subsequent to the hearing Mr. Rahall submitted the following:]

SUBMISSION OF REP. NICK J. RAHALL, II
For the Record of the April 19, 1988, Hearing on
H.R. 900 and S. 1720
April 29, 1988

The testimony presented by the National Park Service (NPS) and the U.S. Army Corps of Engineers (COE) before the Subcommittee on Public Lands, National Parks and Forests on H.R. 900 and S. 1720, the "West Virginia National Interest River Conservation Act," sponsored by Senator Rockefeller and myself contains several criticisms of the legislation and I am pleased to have this opportunity to respond for the record.

I. NPS recommendation that sections 103 and 104 be deleted. COE objection to section 104.

The NPS concern with section 103 apparently is that it would "mandate acquisition, development, and certain practices associated with commercial whitewater rafting." The COE concern with section 104 apparently relates to the COE statement that "any changes which would significantly impact project operation at Bluestone would require specific Congressional authorization."

Section 103 requires the acquisition of land at a site known as Cunard within the New River Gorge National River to provide for commercial and noncommercial access to the river. The legislation stipulates that no restriction be imposed on river access except to protect public health and safety. Pending completion of the access site, motorized towing of whitewater rafts in the section of the river between Thurmond and Cunard would be allowed when the volume of flow in the river is below 3,000 cubic feet.

Section 104 provides for a study and report to Congress on the timing of release of water from the Bluestone Dam during the summer of 1988 when flows are less than 3,000 cublic feet per second.

Both section 103 and 104 are in direct response to the failure of the NPS and COE to meet the letter and intent of section 1110 of Title XI of the National Parks and Recreation Act of 1978, P.L. 95-625, the law which established the New River Gorge National River.

This provision was adopted almost 10 years ago in an attempt to address problems with the COE's operation of Bluestone Dam. It clearly directs the COE and NPS to cooperate in matters pertaining to the water requirements of the national river. Specifically, section 1110 states:

> "The Secretary of the Army shall provide for releases of water from the Bluestone Lake project consistent with that project's purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river."

One of the problems this section sought to address was discussed in a recent report by the National Parks and Conservation Association (NPCA), entitled, "New River Gorge National River: Water Through The National Park Service's Fingers." This report states:

> "Rafting outfitters, who have the most direct and regular interaction with the river, have been steadily frustrated by the Corps' operating procedures. Water levels in the National River fluctuate widely and unpredictably, creating serious problems for downstream recreationists. At water flows below 3,000 c.f.s., undercut rocks are exposed and navigation becomes difficult. Above 15,000 c.f.s., high water volumes make rafting dangerous. Inconsistent flows cause obvious problems: low flows cause crowding on the river, take income away from outfitters, and provide less dillution/flushing action on water-born contaminant; spasmodic high-volume water releases are dangerous, deadly, and wash out some 15-20 business days each summer. The impacts to the National River's biological resources are simply unkown."

By all accounts, the NPS has failed to meet the requirements of section 1110 of P.L. 95-625. As the NPCA report states: "Unfortunately, the Department of the Interior and the NPS have allowed the Corps to dictate events on the New River in disregard of these sections (of the law)." The report notes that the COE has resisted testing any alternative to existing practices and is instead engaged in a project modification study the primary purpose of which is to support the installation of hydropower generating capability at the Bluestone Dam. The report further notes that "immediate action can be taken to moderate the low flow problem without causing Bluestone Lake to fluctuate any more than it is presently doing."

Recently, the COE informed me that it has suspended its 10-year-old but still uncompleted Bluestone project modification study. As a strong opponent of installing hydroelectric power generating capacity at the project, and undertaking major construction activities at the dam and lake, I was pleased to learn of the COE decision. However, at the same time, the COE now apparently plans to, in effect, walk away from the issue. This tactic certainly does not meet the requirements of section 1110 of P. L. 95-625. In effect, the COE has wasted a decade in a fruitless effort to convince the local populace of the benefits of hydroelectric power capacity at the project but remains obstinate in opposing any proposal to meet the requirements of section

1110 of P.L. 95-625 law by simply modifying the manner in which water is released from the dam.

Section 104 of the legislation seeks to reaffirm the mandate of section 1110, and in this regard suggests that the COE could enhance the quality of the recreational experience on the national river and protect biological resources by making minor modifications to its operation of the Bluestone project. In this regard, the provision simply requires that a test be conducted during the summer of 1988. It should be noted that the COE has wide discretion to modify project operations within the parameters of authorized project purposes.

Section 103 compliments section 104 and both are aimed primarily at addressing low-flow situations on the river. Pending a solution to the low-flow problem as a result of changes in the operation of Bluestone Dam, the development of Cunard as an access point will enable river recreationists to bypass long stretches of flat water on the river segment between Thurmond and Cunard. Prior to the completion of the Cunard project, motorized towing of rafts may be allowed between Thurmond and Cunard only when flows are below 3,000 c.f.s.

Finally, the NPS argument against section 103 because it would require land acquisition is moot. The NPS has already acquired the Cunard site and plans to develop it for river access.

II. COE recommendation that section 202(f) of the legislation specifically require a Memorandum of Understanding between the Department of the Interior and the Department of the Army.

Apparently, the preparer of the COE testimony did not fully read the legislation. Section 202(f) provides for such a Memorandum of Understanding.

III. COE concerns with sections 203, 205 and 206.

The COE's specific concerns with section 203 relates to subsection (c) which encourages earlier filling of Summersville Lake in the Spring in an effort to enhance springtime use of the recreation area. The concerns expressed by the COE should be alleviated by the fact that the provision expressly protects all other authorized purposes of the project.

The COE's concern with section 205 relates to its allegation that this provision could conflict with the authority conferred by Congress on the Secretary of the Army. Nothing in this section impairs the authority of the COE. It merely provides the NPS with the necessary authority to protect the resources of the national recreation area from a proposed hydroelectric power facility that could potentially be constructed within the boundaries of the national recreation area.

The COE's concerns with section 206 involves its belief that the Secretary of the Army be named to the proposed Gauley River Advisory Committee. I am not convinced there is a need for a representative of the COE to be involved in the formulation of a management plan for a national recreation area administered by the NPS, especially since the advisory committee could take no actions which would interfere with the COE's authority as it relates to the Summersville Dam.

IV. COE concern with section 401.

The COE stated that section 401 "appears" to designate wild and scenic river status to a segment of the Bluestone River. The legislation does not appear to make such a designation. It would, without any doubt, designate a segment of the river as a national scenic river under the Wild and Scenic Rivers Act.

The COE is concerned that: (1) during flood events it may be necessary to inundate a portion of the designated segment, (2) there may be conflicting administrative decisions relating to land administered by the COE and under lease to the State.

Both of these allegations certainly did not prevent the NPS from finding this segment of the river as eligible for inclusion in the national wild and scenic rivers system pursuant to the final wild and scenic river study of the Bluestone River, dated August 1983. In fact, while the legislation would designate a portion of the river upstream of the maximum summer pool elevation, the NPS found the segment below that point all the way down to the Route 20 bridge (the point of confluence between the river and Bluestone Lake) as eligible . The first COE objection is clearly addressed by the study, which states: "Maximum flood pool has never been reached."

With respect to the second point, it is unclear from the testimony as to what exactly is the concern. The legislation would transfer administrative jurisdiction over the full extent of COE holdings within the designated segment to the Secretary of the Interior subject to the leases that are currently in effect with the State of West Virginia. The legislation does not prohibit the renewal of these leases. The COE stated in its testimony that this would result in "the Secretary of the Army and the Interior administering differently designated areas essentially covered under the same lease. This may result in conflicting administrative decisions involving the same lease." Again, the point is, since the legislation incorporates the entire extent of COE holdings within the designated area, and transfers jurisdiction over this land to the NPS, there is no possibility of two federal agencies administering in conflict this area.

V. NPS recommendation that title V be deleted.

Section 501 directs the Secretary of the Interior to cooperate with, and assist, any regional authority comprised of state and local governmental entities relating to the development and promotion of recreational resources managed by state or federal agencies in a six county area. The NPS testimony is incorrect in stating this provision would require the Secretary to engage in this activity only for resources managed by the state. Since there are numerous state parks and forests in the immediate vicinity of the New River Gorge National River and the federal units proposed by the legislation, it should be obvious that some type of coordination is necessary to ensure proper resource management.

Section 502(b) of the House bill and section 502 of the Senate bill maintain the State's authority to regulate commercial recreational watercraft services. The State has a well established regulatory program governing a number of West Virginia rivers, including the New and Gauley. There is no reason to change the authority of the state in this matter.

Section 503 would require the establishment of a program to facilitate public awareness of the effects of designating segments of the Bluestone and Meadow Rivers found eligible by the NPS for national wild and scenic river status but not so designated by the legislation. This provision is, in part, a response to the past failure of the NPS to discuss the federal designation option during public meetings in the area.

Senator **Evans**. Mr. Stanton, would you like to continue with comment on the other two bills, so that we can have all of them in front of us with the Administration's viewpoints?

Mr. **Stanton**. Yes. Thank you for that opportunity, Mr. Chairman.

I would like to comment on S. 1850, and again it is a pleasure to have that opportunity, Mr. Chairman. This is a bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

Mr. Chairman, we recommend the enactment of S. 1850, if it is amended we suggest. S. 1850 would designate the 57-mile Hanford Reach of the Columbia River in Washington for study as a potential component of the National Wild and Scenic Rivers System.

The bill provides that the study would be carried out by the Secretary of the Interior, in consultation with the Secretary of Agriculture, and that the study will be completed within one year.

The bill would further authorize that $150,000 for the study be available, and it would extend the provision of Section 7(b) of the Wild and Scenic Rivers Act, prohibiting the licensing of water resources projects, from the usual maximum of six to eight years with respect to the segment authorized for study.

The 57-mile Hanford Reach has many exceptional features. The last unimpounded segment of the Columbia River in the United States, this reach provides spawning habitat for tens of thousands of fall chinook salmon, a vital commercial and sport fish.

The river and valley provides excellent habitat for many plant and animal species, including the white pelican and the bald eagle. This natural bounty has resulted in a rich history and prehistory of human use, and the banks and islands of the river feature many significant historical and archeological sites. In short, it is an outstanding resource.

In recognition of these features, the Hanford Reach was identified as a potential wild and scenic river in the 1982 Nationwide Rivers Inventory, and in the 1970 Department of the Interior-Department of Agriculture list of candidates published under the auspices of Section 5(d) of the Wild and Scenic Rivers Act.

The Army Corps of Engineers are currently studying the feasibility of opening the Hanford Reach to commercial navigation, a project that would require dredging throughout the segment.

Our analysis indicates that the project, if economically viable and proposed for construction, would likely foreclose its potential for designation of the segment as a component of the National Wild and Scenic Rivers System.

It is important, Mr. Chairman, that a fair evaluation of the wild and scenic river potential of the Hanford Reach be completed before difficult decisions on protection or development of the segment were made.

We do not believe that the one-year study period authorized in the bill is sufficient to complete a thorough analysis of this potential and to meet the statutory review requirements of the Wild and Scenic River Act.

Therefore, we suggest that the study period be increased to a customary three-year period allowed for most wild and scenic river studies.

That concludes my testimony, Mr. Chairman, on S. 1850.

[The prepared statement of Mr. Stanton on S. 1850 follows:]

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 1850, A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SECTION OF THE COLUMBIA RIVER IN WASHINGTON AS A STUDY AREA FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM AND FOR OTHER PURPOSES.

APRIL 19, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 1850, a bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes.

We recommend the enactment of S. 1850 if it is amended as suggested herein.

S. 1850 would designate the 57-mile Hanford Reach of the Columbia River in Washington for study as a potential component of the National Wild and Scenic River System. The bill provides that the study would be carried out by the Secretary of the Interior in consultation with the Secretary of Agriculture and that the study shall be completed in 1 year. The bill would authorize $150,000 for the study, and it would extend the provisions of section 7(b) of the Wild and Scenic Rivers Act (prohibiting the licensing of water resources projects) from the usual maximum of 6 years to 8 years with respect to the segment authorized for study.

The 57-mile Hanford Reach has many exceptional features. The last unimpounded segment of the Columbia River in the United States, this reach provides spawning habitat for tens of thousands of fall chinook salmon, a vital commercial and sport fish. The river and valley provide excellent habitat for many plant and animal species, including the white pelican and the bald eagle. This natural bounty has resulted in a rich history and prehistory of human use, and the banks and islands of the river feature many significant historical and archeological sites. The Hanford Reach continues to be actively used; it is widely regarded as one of the best destinations for salmon fishing in the Columbia Basin.

In recognition of these features, the Hanford Reach was identified as a potential Wild and Scenic River in the 1982 Nationwide Rivers Inventory and in the 1970 Department of the Interior-Department of Agriculture list of candidates published under the auspices of section 5(d) of the Wild and Scenic Rivers Act, where it was one of only 47 rivers in the United States so distinguished.

The Army Corps of Engineers is currently studying the feasibility of opening the Hanford Reach to commercial navigation, a project that would require dredging throughout the segment. Our analysis indicates that the project, if economically viable and proposed for construction, would likely foreclose its potential for designation of the segment as a component of the National Wild and Scenic Rivers System.

It is important that a thorough evaluation of the Wild and Scenic River potential of the Hanford Reach be completed before difficult decisions on protection or development of the segment are made. We do not believe that the 1-year study period authorized in the bill is sufficient to complete a thorough analysis of this potential, and to meet the statutory review requirements of the Wild and Scenic Rivers Act. Therefore, we suggest that the study period be increased to the customary 3-year period allowed most Wild and Scenic River studies.

Mr. STANTON. And if you wish, I could proceed to the last——

Senator EVANS. Yes, please proceed.

Mr. STANTON. This is in reference to S. 1914. If enacted, it would designate a 14.5-mile segment of the Wildcat River, also known as Wildcat Brook, in New Hampshire.

Whereas neither the National Park Service nor any other bureau of the Department of the Interior is proposed to manage any portion of the river, Mr. Chairman, I would defer to the Secretary of Agriculture concerning the advisability of supporting or rejecting this measure.

However, it would be appropriate, we believe, for us to comment on the proposal since the Department of the Interior is reviewing a study of the river and its tributaries for possible inclusion within the National Wild and Scenic Rivers System.

In June 1984, Congress designated a 14.5-mile stretch of the Wildcat River for study, requiring the study be completed in six years.

The study has been completed but has not been formally transmitted to Congress through the appropriate channels. Therefore, a final recommendation as to its eligibility or suitability has not been confirmed at this time.

I should point out, however, in conducting this study, the National Park Service worked with officials of the town and assisted in the development of their River Conservation Plan.

The plan has been implemented by the town of Jackson and encompasses a variety of conservation actions, including conservation easement, land-use ordinances, and riverbank restoration activities to conserve the river valley.

The River Conservation Plan was prepared following the National Wild and Scenic Rivers System Final Revised Guidelines for Eligibility, Classification, and Management of River Areas.

Again, Mr. Chairman, we defer to the views of the U.S. Forest Service as to whether an agreement between the town and the Secretary of Agriculture, as called for in the bill, is appropriate.

Mr. Chairman, this concludes my formal presentation on this proposal. Again, on behalf of the National Park Service, I appreciate the opportunity to provide this testimony before your Committee, and we would be pleased to answer any questions or comments you may have.

[The prepared statement of Mr. Stanton on S. 1914 follows:]

STATEMENT OF ROBERT STANTON, ASSOCIATE DIRECTOR, OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 1914, A BILL TO DESIGNATE THE WILDCAT RIVER IN THE STATE OF NEW HAMPSHIRE AS A UNIT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

APRIL 19, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 1914, a bill to designate the Wildcat River in the State of New Hampshire as a unit of the National Wild and Scenic Rivers System.

S. 1914, if enacted, would designate a 14.51-mile segment of the Wildcat River, also known as Wildcat Brook, in New Hampshire, including its tributaries Little Wildcat Brook, Bog Brook, and Great Brook, as a component of the Wild and Scenic Rivers System. The river would be managed as part of the White Mountains National Forest, except that those segments located outside the forest boundary would be managed by the Forest Service through a cooperative agreement with the Town of Jackson and the State of New Hampshire.

Whereas neither the National Park Service nor any other bureau of the Department of the Interior is proposed to manage any portion of the river, we defer to the Secretary of Agriculture concerning the advisability of supporting or rejecting this measure. However, it would be appropriate, we believe, for us to comment on the proposal, since the Department of the Interior is reviewing a study of the river and its tributaries for possible inclusion within the National Wild and Scenic Rivers System pursuant to section 5(a) of the Wild and Scenic Rivers Act.

In June 1984, Congress designated the 14.51-mile stretch of the Wildcat for study, requiring the study to be completed in 6 years, with an interim report to Congress due in 3 years. A draft of the study report has been completed and after it has been reviewed by the Secretary, will be transmitted to Congress. The Department has not developed a recommendation with respect to whether the river is eligible or suitable for inclusion within the National Wild and Scenic Rivers System.

In conducting the river study, we worked with officials of the town, and assisted in the development of their River Conservation Plan. The plan has been implemented by the town of Jackson and encompasses a variety of conservation actions including conservation easements, land-use ordinances, and riverbank restoration activities to conserve the river values. The River Conservation Plan was prepared following the National Wild and Scenic Rivers System Final Revised Guidelines for Eligibility, Classification and Management of River Areas, published in the Federal Register. We believe the plan provides effective protection. We defer to the views of the U.S. Forest Service, however, as to whether an agreement between the Town and the Secretary of Agriculture, as called for in the bill, is appropriate.

Mr. Chairman, this concludes my formal presentation on this proposal. I would be pleased to respond to any questions you or other Members of the Committee may have.

Senator EVANS. Thank you very much. We appreciate your testimony. We will now turn to Mr. Dickey, of the Department of the Army, for your testimony on all three bills.

STATEMENT OF G. EDWARD DICKEY, DEPUTY FOR PROGRAM PLANNING, REVIEW AND EVALUATION, OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, ACCOMPANIED BY NOEL GILBROUGH, STUDY MANAGER, MIDDLE COLUMBIA RIVER NAVIGATION STUDY, SEATTLE DISTRICT CORPS OF ENGINEERS, AND SUTTON EPPS, HUNTINGTON DISTRICT CORPS OF ENGINEERS

Mr. DICKEY. Thank you, Mr. Chairman. I appreciate the opportunity to testify on these legislative proposals. With me today are Noel Gilbrough of the Corps Seattle District, and Sutton Epps of the Corps Huntington District.

I will discuss S. 1850 first. The Department of the Army has been involved in the development of water resources in the Columbia Basin for many years. We have developed navigation from the mouth of the Columbia River upstream to the Richland, Washington area.

As you know, Mr. Chairman, we have also been involved in the development of one of the world's most extensive multiple purpose water storage systems in the world. This storage base is used for flood control, electric power generation, recreation, and irrigation.

The impacts of designating the Hanford Reach as wild and scenic on the operation of these projects must be considered in any proposed study.

In addition, the Corps of Engineers, along with the Port of Chelan County, Washington, is currently conducting a feasibility study and comprehensive economic analysis of the potential for developing shallow draft navigation from the Richland area to the vicinity of Wenatchee about 140 miles upstream.

The Department of the Army supports S. 1850. We believe a study of the Hanford Reach for inclusion in the National Wild and Scenic Rivers System would provide Congress a basis for making an informed decision on the future of this reach.

However, we believe it is essential that the Department of the Army be a full participant in this proposed study. We suggest that language ensuring Army's active participation, including measures for funding this participation, be added to the proposed S. 1850.

With regard to S. 1720 and H.R. 900, we have objections to their passage as drafted. The Department of the Army recognizes the value of these river segments under consideration in these bills, and has taken that into consideration in the planning, construction, and operation of Corps of Engineers projects within the affected river basins.

Our primary concerns with these two proposals is that a comprehensive study on the impact of this legislation as proposed in S. 1850 has not been undertaken.

We believe a study of the full effects of the proposed legislation on existing and future uses of the affected waterways should be undertaken prior to enactment of either of these bills, and that this study should be funded by the Department of the Interior.

The Department also has further specific objections to H.R. 900 and S. 1720 as drafted. Included are the following. Others are highlighted in my complete statement.

Section 203 of the bills implies changing the filling schedule of Summersville Lake. We believe that such a legislative mandate is neither necessary nor prudent. The current filling schedule is flexible and reflects downstream recreational interests balanced against the Corps' assessment of basin hydro-meteorological conditions. The Corps believes that the Summersville Lake project is presently filled as early as practicable and advisable each year.

Section 205 confers upon the Secretary of the Interior certain powers over future operation and management of the Summersville Lake project, which could conflict with the authority conferred by Congress on the Secretary of the Army.

Section 401 appears to designate wild and scenic river status to a segment of the Bluestone River within the Bluestone Lake Reservoir limits. We are concerned that normal project storage of flood waters will temporarily inundate a designated scenic river for up to 7.5 miles.

Therefore, we believe it is inappropriate to designate a wild and scenic stream segment within an active flood control pool at Bluestone Lake.

We also object to Section 401 as it pertains to existing leases. Under Section 401, almost 3,800 acres of the 19,000 leased to West Virginia would be transferred to Interior, resulting in the Army and Interior administering differently designated areas essentially covered in the same lease. This may result in conflicting administrative decisions involving that lease.

Title VI of H.R. 900 contains stipulations for flood protection studies that would preclude the possibility of developing any flood protection on the Greenbrier River. Even though justified, these projects might not be authorized within the three-year limit set by Title VI.

Mr. Chairman, I appreciate the opportunity to comment on these pieces of proposed legislation. I hope the Department of the Army's concerns will be considered in your subcommittee's deliberations.

This concludes my statement, Mr. Chairman. I would be happy to answer your questions.

[The prepared statement of Mr. Dickey follows:]

STATEMENT
OF
G. EDWARD DICKEY
DEPUTY FOR PROGRAM PLANNING, REVIEW AND EVALUATION
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
APRIL 19, 1988

Mr. Chairman and Members of the Subcommittee:

I am G. Edward Dickey, Deputy for Program Planning, Review and Evaluation, Office of the Assistant Secretary of the Army for Civil Works. With me today are Noel Gilbrough of the Corps Seattle District, and Sutton Epps of the Corps Huntington District.

I appreciate the opportunity to testify on several legislative proposals under consideration by your subcommittee. The first, S. 1850, deals with an amendment to the Wild and Scenic Rivers Act that would designate a 57-mile section of the Columbia River in Washington State as a study area for possible inclusion in the National Wild and Scenic Rivers System and other purposes. Known as the "Hanford Reach," the study area would extend from one mile below Priest Rapids dam to Richland, Washington. The other proposals H.R. 900 and S. 1720, both entitled "West Virginia National Interest River Conservation Act," are similar and would protect and enhance the natural, scenic, cultural, and recreational values of certain rivers in West Virginia. I will discuss S. 1850 and its impact on Department of the Army activities first.

S. 1850

The Department of the Army has been involved in the development of water resources in the Columbia River Basin for many years. We have developed navigation from the mouth of the Columbia River upstream to the Richland, Washington area. We also have been involved in development of one of the most extensive multipurpose water storage systems in the world. It is comprised of a series of reservoirs that have storage capacities of 46 million acre feet. This storage space is used for flood control, electrical power generation, recreation, and irrigation. The impacts of designating the Hanford Reach as wild and scenic on the operation of these projects must be considered in any proposed study.

The Corps of Engineers along with the Port of Chelan County, Washington, is currently conducting a feasibility study and comprehensive economic analysis of the potential for developing shallow draft barge navigation from the Richland area to the vicinity of Wenatchee, about 140 miles upstream. This study is being conducted under the authority of a Senate Public Works Committee Resolution adopted 24 March 1971. The Corps and the Port of Chelan County are completing a comprehensive economic analysis of the proposed navigation project in the near future. When the analysis is completed, a decision on the future of the next phase of the study will be made.

The Department of the Army supports S.1850. We believe a study of the Hanford Reach for inclusion into the National Wild and Scenic Rivers System would provide the Congress a basis for making an informed decision on the future of this reach. However, we feel it is essential that the Department of the Army be a full participant in this proposed study. We suggest that language insuring the Army's active participation, including measures for funding this participation, be added to the proposed S. 1850 to insure that the trade-offs among competing uses of this valuable water resource be fully explored. We also urge the Subcommittee to avoid unnecessarily foreclosing any future opportunity for development of shallow draft navigation to the Central Washington region by passage of overly restrictive legislation for the Hanford Reach.

S. 1720 and H.R. 900

With regard to S. 1720 and H.R. 900, we have objections to their passage as drafted. The Department of the Army recognizes the value of the river segments under consideration in these bills and has taken that into consideration in the planning, construction and operation of Corps of Engineers projects within the affected river basins.

Our primary concern is that a comprehensive study of the impact of this legislation, as proposed in S. 1850, has not been undertaken. We believe a study of the full effects of the proposed legislation on existing or future uses of the waterways should be undertaken prior to enactment of either of these bills and should be funded by the Department of the Interior. Furthermore, the bills appear to give the Secretary of the Interior certain discretionary authority over decisions directed by Congress to be made by the Secretary of the Army.

Some of the Department's specific objections to H.R. 900 and S. 1720, as drafted, include the following.

Section 104 of both bills would amend Sec. 1115 of the National Parks and Recreation Act of 1978 by requiring the Secretary of the Army to conduct a study to examine the feasibility of adjusting releases from Bluestone Lake in order to enhance recreation. Storage for flow augmentation is neither authorized nor available in Bluestone Lake. Any changes which would significantly impact project operation at Bluestone would require specific Congressional authorization. Furthermore, the language of the bill (Sec 1115(d)) is unclear in defining exactly to which downstream segments it refers and in defining whether "peaking" potential is to be determined. It also sets arbitrary discharge limits. In addition, we believe the Department of the Interior should fund any studies which the Department of the Army is required to undertake by this proposed legislation.

Section 202(f) of both bills should specifically require a Memorandum of Understanding between the Department of the Interior and the Department of the Army since the Corps of Engineers has the responsibility for operating the Summersville project.

Before specifically discussing sections 203, 205, and 206, let me explain an important facet of the Corps management at Summersville Lake. In considering whitewater recreation interests at Summersville Lake, the Corps has established an advisory panel including State, local and river interests to advise and evaluate operational changes. This has resulted in an operational whitewater plan which has no significant impacts on existing project purposes, which requires minimal implementation costs, and which does not expose the Government to unacceptable risks of liability. The advisory panel meets as necessary to review release schedules and to suggest improvements.

Section 203 of the bills implies changing the filling schedule of Summersville Lake. We believe that a legislative mandate is neither necessary nor prudent. The current filling schedule is flexible and reflects downstream recreational interests balanced against the Corps assessment of basin hydro-meteorological conditions based on the period of record flows. Consequently, the Corps believes the Summersville Lake project is presently filled as early as practicable and advisable each year.

Section 205 confers upon the Secretary of the Interior certain powers over the future operation and management of the Summersville Lake project which could conflict with the authority conferred by Congress on the Secretary of the Army.

Section 206 of both bills establishes a Gauley River Advisory Committee. Because of the Department of the Army's responsibilities in operation of multipurpose reservoirs at Summersville and Bluestone Lakes, we feel it is essential that the Secretary of the Army be named specifically as a member of this Committee. Also, it would seem appropriate that the Secretary of the Interior should provide funds for any study required to satisfy whether any proposal of the Advisory Committee would or would not affect the regulation of the Corps project(s).

Section 401 appears to designate Wild and Scenic River status to a segment of Bluestone River within the Bluestone Lake reservoir limits. This designation for the Bluestone River does not stop at the project maximum flood control pool (El. 1520), but continues downstream to the normal summer pool of Bluestone Lake (El. 1410). We are concerned that normal project storage of flood waters will temporarily inundate a designated "scenic" river for up to 7.5 miles. Therefore, I believe it is inappropriate to establish a designated Wild and Scenic stream segment within the active flood control pool at Bluestone Lake. We also object to Sec. 401 as it pertains to existing leases. Presently, the Department of the Army leases over 19,000 acres of land to West Virginia for park and recreation and fish and wildlife management purposes. The lease expires in January, 2000. Under Sec. 401, almost 3,800 acres of the leased area would be transferred to Interior resulting in the Army and Interior administering differently designated areas essentially covered under the same lease. This may result in conflicting administrative decisions involving the same lease.

The Department is further concerned by the issue of liability. Language needs to be included in both bills providing that the United States Government be exempt from liability for any damages incurred as a result of test procedures or changes to the currently authorized operation of Corps' projects mandated by S. 1720 and H.R. 900.

Title VI of H.R. 900, Sec, 601(b), contains stipulations for flood protection studies which would preclude the possibility of developing any flood protection on the Greenbrier River. Although, ongoing Corps studies could result in recommendations for flood protection projects, these projects might not be authorized within the three year limit set in Title VI, eventhough they may be justified.

In summary, the Department of the Army has objections to H.R. 900 and S. 1720 as currently written for several reasons. First, there nas never been a study to determine the impacts of these bills on future competing uses of these river resources. Finally, both proposals appear to give the Secretary of the Interior certain discretionary authority over decisions made by the Secretary of the Army concerning operation of Corps projects.

I appreciate the opportunity to comment on these pieces of proposed legislation. I hope that the Department of the Army's concerns will be considered in your Subcommittee's deliberations on them.

Senator **Evans**. We thank you very much. Now, let us turn to our third witness, Mr. Leonard, from the Forest Service. We would be happy to hear your testimony on all of the bills in which you are interested.

STATEMENT OF GEORGE M. LEONARD, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Leonard**. Thank you, Mr. Chairman. Over one half of the rivers in the Nation's Wild and Scenic Rivers System are on the National Forests.

The Forest Service administers 32 rivers totaling over 2,200 miles. These rivers contain outstanding examples of scenic, recreation, geologic, fish, wildlife, historic, cultural, and other significant values, and their protection under the National Wild and Scenic Rivers System provides assurance that these values will be available to the American people over the long run.

We strongly support the National Wild and Scenic Rivers System, and as we complete our current ongoing forest planning process we expect to make a number of recommendations for additions to that system.

Mr. Chairman, of the rivers that are under consideration by this Committee today, only the Wildcat River in New Hampshire and the Greenbrier River in West Virginia affect lands administered by the Department of Agriculture. And I will comment just on those two rivers and defer to the other gentlemen and departments on the other rivers.

Mr. Chairman, we do not believe that designation of the Greenbrier River is appropriate at this time. We would support eventual inclusion of the Greenbrier in the national system through local and state initiatives in accordance with Section 2(a)(ii) of the Wild and Scenic Rivers Act. If designated in this manner, the state would have responsibility for administration of the river.

The State of West Virginia presently manages numerous recreation facilities within or close to the Greenbrier corridor. These include state parks, forests, a scenic railway, a 75-mile hike and bike trail, and a civil war battlefield.

The Forest Service would cooperate with the State regarding management of the National Forest System lands within that designated corridor.

There has been extensive public involvement by the Forest Service during the study of the Greenbrier River, and no consensus on management of that river was obtained in that process.

Although there certainly is local support for designation of the river, there is also significant local concern regarding the need for flood control facilities. And as has been described, the Corps of Engineers is currently studying flood alternatives, flood control alternatives.

Time should be allowed for state and for local citizens and organizations to determine if and how this river should be designated, and we would recommend that it not be designated at this time.

With regard to the Wildcat River in New Hampshire, Senator Humphrey and Senator Rudman have well described the attributes of that river, and particularly the measures which have been taken by local citizens and local governments to protect that river system.

In the draft Park Service report, it was determined that this river qualifies and is worthy of inclusion in the National Wild and Scenic Rivers System, and the Forest Service concurs.

The segments outside the National Forest flow through many private properties, including lands involved in commercial, recreational, residential, and agricultural activities.

We support designation of only the segments of the Wildcat River and its tributaries within the White Mountain National Forest.

For segments outside the National Forest, we recommend designation and administration under state or local authorities, or inclusion in the National Wild and Scenic Rivers System in accordance with Section 2(a)(ii) of the Wild and Scenic Rivers Act.

Given the actions that have already been taken by local citizens and local authorities, the Secretary of Agriculture need not be given management responsibilities for the segments outside the National Forest. Local management is more appropriate.

Our recommendation would eliminate the need for a complex management arrangement involving cooperation between the Secretary, the town of Jackson, and the State of New Hampshire.

We do agree, however, that coordinated management of this entire stream course is appropriate, and we would be very pleased to work with local authorities and with the state to that end.

Mr. Chairman, that completes my statement.

[The prepared statement of Mr. Leonard follows:]

STATEMENT OF
GEORGE M. LEONARD, ASSOCIATE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 1850, S. 1914, S. 1720, and H.R. 900

April 19, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer the Department of Agriculture's views on S. 1850, S. 1914, S. 1720 and H.R. 900.

S. 850 would designate a section of the Columbia River in Washington for a wild and scenic river study. S. 1914 would designate the Wildcat River as a component of the Wild and Scenic Rivers System. S. 1720 relates to segments of the New, Gauley, Meadow and Bluestone Rivers in West Virginia. H.R. 900 is identical to S. 1720 plus it includes a provision that would designate the Greenbrier River.

Over half of the Wild and Scenic Rivers in America are on National Forests. The Forest Service administers 29 designated rivers totaling over 2,200 miles. These rivers possess outstanding scenic, recreation, geologic, fish and wildlife, historic, cultural or other significant values. We strongly support the National Wild and Scenic Rivers System.

S. 1850--COLUMBIA RIVER STUDY:

In regard to S. 1850, we defer to the Departments of the Interior and Army since its enactment would not affect this Department.

S. 1914--WILDCAT RIVER:

The headwaters of the mainstem and two tributaries of the Wildcat are on the White Mountain National Forest. About half of the mainstem and the Great Brook tributary are outside the National Forest. Approximately 9 miles of mainstem and tributaries are within the National Forest, and approximately 5.5 miles are outside, flowing through private land and the Town of Jackson.

The Wildcat River is a typical headwater stream--glacially formed, shallow, clear, and turbulent. It has deep, narrow V-shaped valleys, often with waterfalls. Jackson Falls drops 165 feet in a series of broad cascades over granitic ledges.

The river area provides habitat for a rich variety of wildlife. Historically, the river was known as an excellent trout stream with a native trout population. Today it is periodically stocked by the State with brook trout.

The segments outside the National Forest flow through numerous properties, including public, commercial, recreational, residential, and agricultural lands. Various protection strategies--including conservation easements and zoning--have been successfully employed to protect the river as it flows through private land.

We support designation of only the segments of the Wildcat River and its tributaries within the White Mountain National Forest. Designation would have no adverse affects on management of the Forest.

For the segments outside the National Forest, we recommend designation and administration under State or local authorities or inclusion in the National Wild and Scenic River System in accordance with section 2(a)(ii) of the Wild and Scenic Rivers Act. The Secretary of Agriculture should not have the management responsibility for the segments outside the National Forest. Local management is more appropriate. Our recommendation would eliminate the need for a complex management arrangement involving a long-term cooperative agreement between the Secretary of Agriculture, the Town of Jackson Selectmen, and the State of New Hampshire. The need for an Advisory Commission would also be eliminated. We are prepared to work with the appropriate State agencies to assure that management of the entire river is well coordinated.

H.R. 900 AND S. 1720--WEST VIRGINIA RIVERS:

Titles I through V of H.R. 900 and S. 1720 would not directly affect the lands or programs administered by the Department of Agriculture, and we defer to the Departments of the Interior and Army for a recommendation regarding these titles. We recommend that Title VI of H.R. 900, regarding designation of 133 miles of the Greenbrier River, not be enacted.

We would, however, support the eventual inclusion of the Greenbrier in the National System through local and State initiative in accordance with section

2(a)(ii) of the Wild and Scenic Rivers Act. If designated in this manner, the State would have the responsibility for administration of the river.

The State presently manages numerous recreation facilities within or close to the Greenbrier corridor. These include State forests, parks, a scenic railroad, a 75-mile hike and bike trail, and a Civil War battlefield. The Forest Service would cooperate with the State regarding management of National Forest System lands within the designated corridor.

Extensive public involvement by the Forest Service during a study of the river did not result in a consensus regarding Federal designation. Although there is support locally for designation of the Greenbrier River, there is also significant local concern regarding the need for flood control facilities. The Army Corps of Engineers is currently studying flood control alternatives. In addition, there is concern that management of the river by the Federal Government would include excessively restrictive land use controls on private land and acquisition by condemnation. Time should be allowed for the State and concerned individuals and organizations to determine if and how the river should be designated.

This concludes my statement. I would be happy to answer any questions you may have.

Senator EVANS. Thank you very much. Let me turn first to Mr. Stanton.

First, on S. 1720, the question that you had in your statement is what I was looking for and could not find right off the bat, on Section 103.

As I understand it, your concern about Section 103 is that it would somehow impose—you recommend that Sections 103 and 104 be deleted from the bill, saying that they mandate acquisition development and certain practices associated with commercial whitewater rafting.

Section 103, at least in reading Part A of that, says that no restriction shall be imposed on such access based on the time of day, except to the extent required to protect public health and safety.

Are you aware of the reason for that particular proposal in the legislation? It seems to me they must have had something in mind when they talked about time of day. Is that a concern of some sort in whitewater rafting?

Mr. STANTON. Mr. Chairman, as you know, New River Gorge is a magnificent resource, and obviously there are competing demands for accessibility to the river as well as the use of the shoreline—some for fishing, some for just casual recreational use as well as what we refer to as put-in for whitewater rafting. What we are proposing, Mr. Chairman, as a part of our land acquisition program, is to acquire put-in areas to accommodate the rafting and what have you.

We would envision that the development associated with the put-ins, auxiliary type of support facilities, beverages, food, et cetera, as well as some sales items, would be accommodated, or allowed, through our concessions management program in that we would advertise in the marketplace a prospectus for bidders to operate a commercial enterprise within a national park.

In doing so, we are empowered through our own rules and regulations to govern the kinds of hours of operation, the number of visitors who could be accommodated through that commercial enterprise and what have you.

So we feel, in short, Mr. Chairman, that the National Park Service has the necessary authority to regulate, as appropriate, visitor use of all facilities within New River Gorge.

Senator EVANS. But I am curious about the bill, perhaps we will have to get back to the sponsors and ask them why the specific proposal or proviso was put in the bill saying, no restriction shall be imposed on such access based on the time of day.

Mr. STANTON. Mr. Chairman, I am not personally familiar with circumstances that may have influenced that precise language.

I will, if it is permitted by you, Mr. Chairman, ask our superintendent for New River Gorge, Joe Kennedy, who is with me, to share his experiences in terms of why that legislation may have been written as it has.

Senator EVANS. Sure. We would be delighted to have his testimony. Would you introduce yourself by name and title for the record, please? And pull the microphone over closely to you.

Mr. KENNEDY. Yes, Mr. Chairman. I am Joe Kennedy, Superintendent of New River Gorge National River, and these rivers are close by.

The question was about the time of hours. That time of getting on the river was derived from a river management plan that we prepared as part of managing the New River. And in that, through public hearings, different interest groups—meaning private, public, fishermen, the whole gamut of interests—had their say in the draft management plan.

It has not really been published yet, except that we were to provide for public, meaning private, and commercial access at different times of the day. There were a lot of hearings, a lot of arguments and discussions about just what the times would be and whether it was to be certain days of the week.

Everyone in the East wants to work all week and come out and run the rivers on Saturday and Sunday and go back to work on Monday. So there is plenty of room through the week, very little room on the weekend. Everybody wants to get up at the hotel or campground, arrive at the same time in the morning, put on the river, and there is competition at the launch ramp.

So what the river plan proposed, and I do not know the exact times of day or details, was that we set aside, say, an hour or so in the morning and just let privates launch, let them get out of the way, and then the commercials would follow later.

It could just as well be backwards. I am not sure. But it was to divide the interest groups. And so H.R. 900, and I guess S. 1720, says that we would do that.

Senator **Evans**. So in other words, your fear is, that with a proposal such as this in legislation, it would sort of be a free-for-all at certain times, just like all the airlines who want to land at 5:00 in the afternoon.

Mr. **Stanton**. That is correct, Mr. Chairman. We feel that through the public involvement process, determining the best way to manage and to enhance the commercial use as well as the casual visitors can be helped by that public planning process, including regulations that we would enforce.

Senator **Evans**. Are you at the point yet on that river where there is consideration of rationing or limiting the numbers who can raft during any one day or any one time period?

Mr. **Stanton**. I do not believe so, Mr. Chairman. But Joe?

Mr. **Kennedy**. The State licenses the numbers of outfitters and the number of user days. We follow their guidance.

Senator **Evans**. And that would continue to be the case with the passage of this legislation, at least as it is now written?

Mr. **Kennedy**. If this legislation passes, that is what it says.

Senator **Evans**. What length of time, is this a day trip that people are involved with? Is it overnight? How long is the rafting experience?

Mr. **Kennedy**. Basically, the lower part, which is the whitewater part, is one-day trips.

I came from out West where most all of the trips are multi-day. This is a single-day trip, and like I say, most of it—I do not know the percentages—occurs Friday through Monday.

Senator **Evans**. I know and I am more familiar, of course, with Western whitewater rafting than Eastern.

Going down the Rogue River one time, I was aware that there is significant control of the numbers of both private and commercial rafting ventures, very careful control to ensure that you do not overload the campspots along the way.

It has had the result of keeping a very private experience, even though there are a good many people on the river, because they carefully control the times that people go in and where they camp. It has probably kept the quality of the experience higher than if you just let the whole mob go at once.

Mr. STANTON. That is correct, Mr. Chairman. You just described basically the kind of system that we have in place where whitewater rafting is very popular.

The Grand Canyon is an example where it regulated to assure that there is quality enjoyment of that experience.

Senator EVANS. Section 104 talks about flow management. In reading it, it appears that that is an attempt to try to ensure they maximize the recreational experience.

In flow management of the river, do you run into conflicts with rafters perhaps wanting more water at a time, and fishermen wanting less water? Or is everybody on the same side of it in terms of their desire for water releases?

Mr. KENNEDY. That has been studied by the Corps of Engineers for several years. Most of what I am familiar with applies to the Bluestone study.

Senator EVANS. Yes. I think that is right.

Mr. KENNEDY. It involves so many things. The people on each side of the dam. The ones above have marinas and campgrounds. Water depths, there is a big resource question of, if I can say it right, uthrofication, enrichment of the waters.

The people below the dam collect helgramite, spring lizards, fish bait. They have an interest. The sports fishermen have an interest. It is a great fishery.

The canoeists, the smaller boats have been represented over the years at these hearings. The commercial voice is strong down in the lower part. The National Park Service would have resource consideration.

So to make a long story short, we have never gotten our act together on these studies so far as I can tell.

Senator EVANS. In one piece of testimony, and now I cannot find it immediately, but I think it related to this river system, the statement was made that the length of the designation would actually go down into the reservoir for some particular length. Maybe it was Mr. Dickey that——

Mr. DICKEY. Yes, it was, Mr. Chairman.

Senator EVANS. Would you like to comment a little further on that?

It does seem a little strange or odd to have the designation of a scenic river system extend to a point where it would be flooded by the reservoir for a certain period of time. I do not know what share of the year that would be flooded. But perhaps you can tell us.

Mr. DICKEY. I cannot say what share of the time, Mr. Chairman.

Certainly you recognize that it would be a function of the particular cycle that year. As you know, if you have a lot of rain, you could have a large flood pool for some time. If it is a dry year, it may not be terribly long.

We could certainly provide you something for the record on that. But I think that this is an example of the kind of provision for which it is not clear why it was included.

[The information follows:]

H.R. 900 and S. 1720 would designate approximately 7.5 miles of the lower Bluestone River included within the Bluestone Lake project boundaries as wild and scenic. On the average, the following frequency-elevation relationships describe the inundation of the proposed Bluestone Wild and Scenic River segment due to normal flood control operations:

Pool Elevation above MSL (In Feet)	Portion of the proposed Bluestone Wild & Scenic River Segment Inundated	Frequency that Pool Elevation would be Equalled or Exceeded (Percent Chance of Occurrence in any One Year)
1410	(0.0 Miles)	100 (Summer Pool)
1438	(2.0 Miles)	100
1472	(4.7 Miles)	20
1484	(5.2 Miles)	10
1495	(5.8 Miles)	5
1510	(6.4 Miles)	2
1520	(7.3 Miles)	1

Mr. DICKEY. It certainly seems strange to us that one would want to do this. It may be just a misunderstanding or confusion in the drafting of the legislation as to what would be appropriate. But again, the value of a study is to look at this kind of issue before one goes ahead.

Senator EVANS. Well, that would be helpful, I think, to have some further ideas along that line.

Are you aware of any or are any, of you aware of any current designations as wild and scenic rivers where a similar situation occurs? Where a river designation goes down below the upper lake level of a reservoir?

Mr. DICKEY. We are not, Mr. Chairman.

Mr. STANTON. No, sir.

Senator EVANS. So your suggestion is that it would be appropriate as a policy to have river designations stop at the upper level of a reservoir that would flood, at least on occasion, a certain section of the river.

Mr. DICKEY. Yes.

Senator EVANS. I do not know enough about that particular stretch.

It might be useful also to have some testimony for the record that would indicate to what degree that 7.5-mile stretch, when the water is down, is viewed as a prime whitewater section of the river.

There is a difference, in 7.5 miles there is a difference of 110 feet in elevation, which does not sound like much of a whitewater stretch.

Mr. DICKEY. We will see if we cannot supply something for the record.

[The information follows:

The segment of the lower Bluestone River included within the Bluestone Lake project proposed for designation as wild and scenic has a gradient of between 15 and 18 feet per mile. As such, this segment of the river does not provide the type of whitewater experience for which this area is known. It is a relatively tranquil reach of the Bluestone River.

Senator EVANS. Fine. Thank you. Mr. Stanton, I understand that in terms of S. 1850, you support the study with the extension of the study period from one to three years.

It is your understanding, is it not, that that would not affect the eight-year protection of the river which is included in the current bill?

Mr. STANTON. That is correct.

Senator EVANS. But three years is a more appropriate time?

Mr. STANTON. Yes. We feel one year as proposed by this measure would not be sufficient time to do the quality and indepth study that we would certainly want to conduct.

Senator EVANS. Mr. Dickey, in your commentary on S. 1850, you were concerned about the impacts of designating the Hanford Reach as wild and scenic on the operation of the various projects on the Columbia River and must be considered in any proposed study.

To what degree currently is the Hanford Reach potentially affected? Or could you describe a little further what kind of effect there would be, if there were wild and scenic designation on the

Hanford Reach, in terms of operation of current projects? I presume you are talking primarily of the upstream projects.

Mr. **Dickey**. I am speaking actually of both, Mr. Chairman. Let me make a few general comments, and then I might ask our expert if he has anything to add.

As you know, this system is a multiple purpose system. Its operation evolves over time. We envision, let us say, a decade from now operating the system differently in terms of the tradeoffs between the different uses, how we use the power generation between base and peaking power, and so forth.

So you do have changes in the reservoir levels over time. You have changes in the volume of flow and the various segments. What we are concerned about here is that with this designation you may impose constraints on the operation of the whole system, and therefore forego some significant amount of economic benefits.

Senator **Evans**. Well, when I said upstream, is it not true that the designation of the Hanford Reach proceeds downstream to the maximum pool of the McNary Dam, and as such the maximum size of that reservoir would not impinge on the Hanford Reach.

Presumably you could operate McNary any way you want to. Is it not really the water flows that come from the upstream dams that might change the water levels in the Hanford Reach?

Mr. **Dickey**. It is my understanding that——

Senator **Evans**. Or maybe there are other effects from the downstream pools that I need to know.

Mr. **Dickey**. Yes, I guess we are concerned about the limiting of the backwater effects of the McNary Dam. And if I could ask our expert——

Senator **Evans**. Oh, surely. Please, we would be happy to have him, would you also identify yourself by name and title for the record?

Mr. **Gilbrough**. I am Noel Gilbrough. I am the study manager for the Middle Columbia River Navigation Study for the Seattle District Corps of Engineers.

There are a couple of concerns, both up and downstream. For example, one is the backwater of McNary's Pool. The actual pool elevation is right at the edge of the 57-mile study reach. However, there is a backwater effect up to about river mile 360, which is a third of the way up into the study reach.

Our studies indicate that salmon do not spawn below river mile 360, primarily because as our hydraulic analysis shows, the water velocities are starting to slow down because of the backwater effect of McNary.

So there is potential for changing the hydraulics in the study reach that could affect the navigation of hydropower operations of McNary.

Senator **Evans**. I presume that that would be along the lines of some request to at certain times of the year to lower the pool height at McNary in order to get a stronger flow through that lower third of the Hanford Reach?

Mr. **Gilbrough**. Yes. A good example would be, lowering the pool during the spawning season to get more spawning into the lower portion which would have a significant effect on McNary's ability to generate power, and it's ability to get barges through the McNary pool up to Lewiston, Idaho.

For example, we might have to do an additional dredging in the upper McNary Pool for barge navigation if designation caused drawdown of the McNary Pool.

If we go upstream, we are concerned about the operation of the upstream projects. At the upstream end of the study reach is Priest Rapids Dam, which is currently being operated to try and maximize the amount of spawning in the Hanford Reach. But Priest Rapids Dam is operated also as a hydropower project.

If, for example, there was an effect in there that would cause the summer, or the winter minimum flows to be increased, it could have a significant effect on the ability of Priest Rapids Dam to peak for daily energy needs.

Also, the effects could be felt in the upstream Federal and non-Federal projects.

Senator EVANS. So you are really talking then about the potential of sort of a daily change, because, as I understand it, Priest Rapids and Wenatchee are essentially run-of-the-river dams, are they not, without significant storage?

Mr. GILBROUGH. That is true. But they are being moved around now. For example, during the spawning season, Priest Rapids peaks at night.

To keep the spawning in the say, 55,000 cfs range and down, and they operate those projects, they are run-of-the-river, but they are being pulled around a lot now to furnish that. In primarily the two lower Grant County projects.

Senator EVANS. So the concern expressed by the Army is just that there will be sufficient study of this kind of thing so——

Mr. DICKEY. Yes. We believe that you should know the effects here and the tradeoffs, what the implications are before possible inclusion of this reach in the wild and scenic river system.

Senator EVANS. You testified that you believed that the Department of the Army should be a full participant in this proposed study.

Do you have some more specific ideas of just to what degree that—when you say full participant, somebody has got to be the, coordinator and run the study.

Is it just to make sure that you have sufficient opportunity to provide to the study team necessary information? How would you contemplate the term "full participation" in this context?

Mr. DICKEY. Well, I would hope, Mr. Chairman, that we would have the ability to lay out our side of the tradeoffs, if you will.

Senator EVANS. Surely, okay.

Mr. DICKEY. And that is essentially—we would not suggest that we have the lead on the study. But we do want to make sure that the tradeoff is fully presented.

Senator EVANS. Sure. All right, I understand. I was a little concerned that we were going to get involved in a tri-headed kind of study, and I think it is better to have one agency be the lead agency.

Mr. DICKEY. I fully agree with that, Mr. Chairman.

Senator EVANS. All right. Mr. Leonard, on the bill relating to New Hampshire, that is S. 1914, you suggest that the Secretary of

Agriculture should not have the management responsibility for the segments outside the National Forest.

I guess, as I understand it, we have a situation where for that 14.5 mile stretch, it flows through Forest Service lands for one piece and then through a series of private lands, many of which already have scenic or other kinds of easements or purchases. Is that essentially correct?

Mr. LEONARD. That is correct. And under the draft Park Service study, they determined that there was no need for additional Federal land acquisition in that area.

So we believe that the Forest Service, the Department of Agriculture, ought to be involved in the decisions on coordinated management of the whole area. We do not think the Secretary needs to be responsible for management of that land, the private or public lands outside of the National Forest.

Senator EVANS. In order to get appropriate coordination, however, it sounds like it would be a good idea to have some unity in management of that stretch of the river.

How best to get it? If the Forest Service does not do it, who does?

Mr. LEONARD. Well, I think that perhaps a memorandum of understanding, pretty much along the lines except not necessarily statutorily mandated, would provide the necessary coordinating mechanism.

Senator EVANS. Would the Forest Service be opposed to being the lead or the guide in that coordinated management, regardless of how it occurred, whether through memorandum of understanding or legislation?

Mr. LEONARD. I would think we would certainly want to be full-time participants, and if it was necessary for a lead I think we would have no objection to that.

Senator EVANS. All right. We may have other questions for the record. I have enjoyed the testimony from each of you, and I think it has been very helpful to us.

The record will remain open for two weeks, and there may be other questions from the Committee of each of the agencies. We thank you very much.

[Subsequent to the hearing the Department of Agriculture submitted the following:]

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
  National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are our responses to the Subcommittee's questions included with your April 21 letter. These questions are related to the April 19 hearing on S. 1914, S. 1720, and H.R. 900 regarding Wild and Scenic River designation for the Wildcat and Greenbrier Rivers.

Please let us know if we may be of further assistance.

Sincerely,

Peter Myers

PETER C. MYERS
Acting Secretary

Enclosure

Questions of the Department of Agriculture
from the
Subcommittee on Public Lands, National Parks and Forests
regarding
S. 1914, S. 1720, and H.R. 900

QUESTION: The Forest Service's testimony implies some objections to the cooperative management agreement between the town of Jackson and the Forest Service in the management of the proposed Wildcat Wild and Scenic River. Could you describe other Wild and Scenic Rivers which have been managed under similar agreements? Has the Administration encountered any problems with managing those rivers under such agreements?

ANSWER: The proposed Wildcat Wild and Scenic River includes unique statutory direction for cooperative management. Some of the 32 Wild and Scenic Rivers which the Forest Service presently administers contain small residential developments and other types of commercial or recreational facilities, but they do not include an incorporated community, such as the town of Jackson, New Hampshire, outside of the National Forest proclamation boundary. We have no cooperative agreements involving a federally designated river administered by the Secretary and managed by a town and a State. However, the Forest Service has many cooperative agreements with local communities, counties, and private organizations for other purposes. In most cases we have an excellent working arrangement with these groups.

QUESTION: The Forest Service also expressed some reservation about the amount of private land on the proposed Wild and Scenic Designations. Do other rivers in a Wild and Scenic Rivers System have large stretches of private land? Has the Administration run into problems with private land ownership?

ANSWER: Some of the existing Wild and Scenic Rivers which the Forest Service manages have significant private land holdings. Examples are the Pierre Marquette in Michigan, the Eleven Point in Missouri, the Flathead in Montana, and the Cache la Poudre in Colorado. Although most land owners manage their lands within the guidelines for protecting the river values, we have encountered problems caused by private land in the river corridor. In several cases we have been forced to acquire fee title or easements solely to prevent development adverse to the river values. Acquisition of land for recreation access to the river has, on occasion, generated local and/or regional controversy. Although we prefer to acquire easements rather than fee title, management of easements can be controversial and time-consuming. Intrepretation of easement language has generated controversy, and has the potential for court action. All these problems increase Federal costs of managing designated rivers that contain private lands.

Senator **Evans**. Next we have panel number one, and I would ask the following to come forward to the table. The Honorable George Sellar, State Senator from Wenatchee, Washington; Laura Smith, Field Representative, the Nature Conservancy from Seattle, Washington; Tim Wapato, Executive Director of the Columbia River Inter-Tribal Fish Commission from Portland, Oregon; Lonnie Selam, Sr., Tribal Council of the Yakima Indian Nation, Toppenish, Washington, accompanied by Jeanette Lee, Tribal Council, Yakima Indian Nation; and W. Kent Olson, President, American Rivers, Incorporated, from Washington, D.C.

We are delighted to have you all here, and it is a particular delight to have so many Northwesterners appear on behalf of a very important piece of legislation. I will ask each of you to testify in turn.

Your entire statement will be included in the record in each case, and you may proceed as you wish to summarize your testimony.

I first am especially pleased to have a longtime colleague and friend, Senator George Sellar from the State of Washington.

George.

STATEMENT OF GEORGE L. SELLAR, MANAGER OF WATER RESOURCES, PORT OF CHELAN COUNTY, AND STATE SENATOR, WENATCHEE, WA

Senator **Sellar**. Thank you, Senator Evans, and I bring you greetings from the other Washington that you know and love so well.

I will make my testimony very, very brief. We do support Senate bill 1850, to create a study of the Hanford Reach area for inclusion as wild and scenic rivers. We have some feelings about the multiple use of that river.

It has been our contention, backed by considerable study, that a number of uses of the river are compatible with each other, and that to the extent a fish and wildlife resource can adequately be protected and even enhanced, while still bringing transportation, recreation, and agriculture benefits to the region to ensure our future and prosperity, we look forward to bringing our views to the attention of the study committee, and to a conclusion that is hopefully to the benefit of all parties.

[The prepared statement of Senator Sellar follows:]

TESTIMONY

of

GEORGE L. SELLAR

in re

SENATE BILL 1850

4/19/88 - 4/23/88
Holiday Wasnington
International Airport Hotel

PORT OF
CHELAN
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Auditor
Richard C. Harris
Manager
George L. Sellar
Water Resources
Manager

Mr. Chairman and Members of the Sub-committee

My name is George Sellar

I am Manager of Water Resources for the Port of Chelan County - a small industrial development port located on the bank of the Columbia River, at Wenatchee, Washington--about at the geographic center of the State.

I am here today to testify in favor of Senate Bill 1850.

The Port of Chelan County has a long-range goal of bringing low-cost barge transportation up the River from the Tri-Cities area to Wenatchee. We feel it is appropriate to study this "Hanford Reach" section of the River to establish whether it should be set aside for a single purpose, such as wild and scenic; or continue, as we content, in multiple use, along with the rest of the River.

It has been our contention, backed up by considerable study, that a number of uses of the River are compatible with each other, and that the extensive fish and wildlife resource can adequately be protected and even enhanced while still bringing transportation, recreation, and agricultural benefits to the region to ensure our future prosperity.

We look forward to bringing our views to the attention of the study committee, and to a conclusion that is hopefully a benefit to all parties.

Senator EVANS. Good. Thank you very much for your statement and support, and brevity.

Senator SELLAR. Thank you.

Senator EVANS. All of which are appreciated.

Laura Smith.

STATEMENT OF LAURA SMITH, FIELD REPRESENTATIVE, WASHINGTON FIELD OFFICE, THE NATURE CONSERVANCY

Ms. SMITH. Mr. Chairman, my name is Laura Smith. I am the field representative of the Washington Field Office of the Nature Conservancy.

The Nature Conservancy is a national, non-profit land conservation organization dedicated to the preservation of natural diversity through the protection of threatened species and ecosystems.

The Nature Conservancy has a longstanding interest in the protection of the Hanford Reach. This interest is based on the Reach's outstanding scientific and ecological values. These values stem from a unique set of circumstances.

The Hanford Reach is all that remains of the free flowing Columbia above Bonneville Dam, this 57 miles of free flowing river.

The Hanford Reach is in a large area. It flows through the Hanford Nuclear Reservation, which has had the effect of protecting 25,000 acres of adjacent uplands for nearly 50 years.

The free flowing characteristic and the protected adjacent uplands have provided an amazing refuge for a large number of threatened and endangered species, native plants, and animals.

There are at least 22 plant and animal species that find refuge in the Hanford Reach that are recognized by State and Federal agencies for their rarity.

These species are those whose habitat is elsewhere in the mid-Columbia and along the Hanford Reach, I mean outside the Hanford Reach, has been increasingly fragmented and destroyed by development, damming, dredging, and general human use elsewhere. The Hanford Reach is their last refuge.

A list of these species and their scientific names and classifications is attached to my written statement. The list was compiled by the state Department of Natural Resources' Washington Natural Heritage Program.

Considering all factors in the Hanford Reach, the salmon, the steelhead, the values to migratory waterfowl, colony nesting birds, and the habitats for threatened and endangered species, the U.S. Fish and Wildlife Service named the Hanford Reach one of the two most important fish and wildlife habitats in the State of Washington.

The Hanford Reach provides our last opportunity to protect this irreplaceable piece of Washington's natural heritage.

In the past, the threats to the Hanford Reach have included damming, but the current threat is the mid-Columbia Navigation Study current under way by the Army Corps of Engineers.

As a result of this current threat, we are requesting that language be added to this bill that would specifically prohibit the Army Corps of Engineers from physically altering any aspect of the Hanford Reach throughout the eight-year protected period.

We would like language to state that the Corps of Engineers not be allowed to disturb the river bottom, shoreline, or adjacent uplands at the Hanford Reach until the study is completed and Congress has a chance to act on the results of this study.

We understand that the Department of Interior, as they stated here earlier today, will request an extension of the one-year study period to three years, and we have no objection to that request.

The Corps of Engineers has requested earlier full participation in the study process. We believe that their place in the study process is, as you stated and clarified, on the technical advisory committee, providing their information to the study team.

We also feel that they do not need any specific extra funding for this. Many state and Federal agencies, the Fish and Wildlife Service, and the state agencies, will be providing technical assistance to this study without any specific funding. It does not appear that specific funding to the Army is appropriate for this.

The ecological, fisheries, archaeological, and spiritual and recreational values of the Hanford Reach are well documented. We ask the Committee to approve S. 1850 with these requested changes.

We believe this is an important first step to providing the Hanford Reach with the permanent protection that it so clearly deserves.

I have brought along with me letters, statements, in support of S. 1850 that we would like included in the hearing record.

These letters are from the Columbia River Coalition, the Columbia River Conservation League, Friends of the Columbia, Friends of the Earth, the Lower Columbia Basin Audubon Society, the Mid-Columbia Archaeological Society, Northwest Rivers Council, Seattle Audubon Society, Southwest Washington Anglers, Trout Unlimited, the Washington Environmental Council, the Washington Native Plant Society, the Washington State Sportsmen's Council, the Washington Wilderness Coalition, and the Yakima Valley Audubon Society.

This concludes my statement, and I thank you.

[The prepared statement of Ms. Smith follows:]

The Nature Conservancy

STATEMENT OF LAURA SMITH
FIELD REPRESENTATIVE, WASHINGTON FIELD OFFICE
THE NATURE CONSERVANCY
BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES
APRIL 19, 1988

IN SUPPORT OF S. 1850

Mr. Chairman, members of the Subcommittee, my name is Laura Smith, and I am the Washington Field Representative of The Nature Conservancy, a national, non-profit, land conservation organization, dedicated to the preservation of this country's natural diversity through the protection of its most threatened species and ecosystems. I would like to thank the members of the Committee for the opportunity to express The Nature Conservancy's views in support of S. 1850. I would especially like to thank Senator Evans and Senator Adams for introducing this proposed bill and Senator Bumpers, Subcommittee Chairman, for scheduling this hearing.

The Hanford Reach of the Columbia River has long been a top priority for protection by The Nature Conservancy. Our priorities are set with the use of data from the Department of Natural Resources-Washington Natural Heritage Program (DNR-WNHP); a program the Conservancy initiated in cooperation with state government in 1977. These data, resulting from a continuing statewide inventory, reveal which of Washington's native species and natural ecosystems are most rare, where they are located, and which are in greatest need of immediate protection. The number and concentration of rare species in the Hanford Reach is impressive. (Appendix A).

Although the Columbia is one of the world's great rivers, nearly its entire length above Bonneville Dam has been severely altered by dams. Only the Hanford Reach remains free flowing; still possessing qualities of the pre-settlement mid-Columbia ecosystem. As such, it provides a final refuge for many species whose former habitat on the Columbia has been destroyed by damming, dredging, and development. The riverine environment and adjacent uplands of the Hanford Reach provide habitat for at least 22 plants and animals recognized by state and federal agencies for their rarity.

Washington Field Office

1601 Second Avenue, Suite 910, Seattle, Washington 98101
(206) 728-9696

Two aquatic animals are among the rarest present. The Hanford Reach supports the last known population of the Columbia River spire snail (Lithoglyphus columbiana) and last strong population of the Giant Columbia River limpet (Fisherola nuttalli). Both of these aquatic animals are classified as Federal Candidate and State Proposed Threatened species.

The Hanford Reach supports forty-three species of fish including the sandroller (Percopsis transmontana) and the mountain sucker (Catostomus platyrhynchus), both sufficiently rare to be proposed for State Monitor status by the Washington Department of Wildlife. The reach provides spawning habitat for steelhead trout and is the last substantial natural spawning ground for fall chinook salmon on the mainstem of the Columbia.

The open water, protected shorelines and islands of the Hanford Reach are valuable habitat for waterfowl, migratory birds, and colony nesters including Canada geese, Forster's tern, and several gull species. The State Endangered white pelican (Pelecanus erythrorhynchos) is found on the Hanford Reach during the summer, fall, and some winters and trees along the shore provide habitat for bald eagles (Haliaeetus leucocephalus), great blue herons (Ardea herodias), and black-crowned night herons (Nycticorax nyticorax).

Rare plants on the Hanford Reach include persistantsepal yellowcress (Rorippa columbiae), a State Endangered, Federal Candidate species that grows on the river's gravelly shorelines and islands. Moist, sandy mudflats provide habitat for four State Sensitive plants: dense sedge (Carex densa), shining flatsedge (Cyperus rivularis), southern mudwort (Limnosella acaulis), and false-pimpernel (Lindernia anagallidea).

The uplands adjacent to the river provide habitat for several rare plants including Columbia milk-vetch (Astragalus columbianus), a State Threatened and Federal Candidate species, bristly cryptantha (Cryptantha interrupta), gray cryptantha (Cryptantha leucophaea), and dwarf evening-primrose (Oenothera pygmaea). Rare animals finding habitat in the uplands are striped whipsnakes (Masticophis taeniatus), burrowing owls (Athene cunicularia), long-billed curlews (Numenius americanus), and Oregon swallowtail butterflies (Papilio oregonius).

The Hanford Reach is a diverse and complex ecosystem, one that provides critical habitat for a large number of important native species. One of its most unique qualities is its relatively great size, approximately 57 river miles with thousands of acres of adjacent uplands. Elsewhere, habitats for plants and animals are becoming increasingly fragmented. Here, large expanses of continuous habitat are essential to ensuring the long-term viability of many species. Protected from human disturbance, the Hanford Reach will continue to provide an unparalleled baseline of complex natural conditions against which the effects of alteration and management in other areas can be measured.

Although damming of the Hanford Reach has been a threat in past years, the greatest current threat is the proposed Mid-Columbia Navigation Project. This study, being conducted by the Army Corps of Engineers, concerns dredging the Hanford Reach to permit commercial barge traffic. In their study, the Army Corps of Engineers has demonstrated very little appreciation for the complexity of the Hanford Reach ecosystem and the wide variety of species it supports.

We request that language be added to S. 1850 that would specifically prohibit the Army Corps of Engineers from constructing a spawning demonstration channel or conducting any other activity in the Hanford Reach throughout the full eight year term of the study period that would disrupt, disturb, alter, or destroy any of the aquatic, terrestrial, or biological qualities of the Hanford Reach. We believe this is essential in order to protect the integrity of the Hanford Reach until Congress can make a decision regarding inclusion of the Hanford Reach in the national wild and scenic river system.

We request that the time allowed for completion of the Hanford Reach study be extended beyond the one year provided in S. 1850. It is our understanding that the Department of the Interior will request a three year study period from the date of enactment of S. 1850 and we support that extension.

We strongly support the special provision of S. 1850 that the provisions of section 7(b) of the Act shall extend for a period of eight years from the date of enactment of S. 1850.

The Nature Conservancy shares a belief with many other organizations, agencies, and individuals that the Hanford Reach is one of America's great natural treasures and is clearly worthy of protection as a national wild and scenic river. Its ecological, fisheries, archeological, spiritual, and recreational values are widely recognized and well documented. We ask the Committee to approve S. 1850 with the above changes and make the Hanford Reach a study area for inclusion in the national wild and scenic river system. We see this as an important first step in designating the Hanford Reach a national wild and scenic river and establishing the permanent, secure protection that it so clearly deserves.

This concludes my statement. I thank the Committee for its time.

Assessment of the Hanford Reach
Columbia River, Washington

Washington Natural Heritage Data System
August 1987

SITE DESCRIPTION:

The Hanford Reach is the last significant free-flowing reach of the Columbia River in the United States - a 45 mile stretch from approximately river mile 391 to river mile 345. The area lies almost totally within the U.S. Department of Energy's Hanford Reservation which has been closed to public access since 1942. Native riparian vegetation, riffles, gravel bars, oxbow ponds, backwater sloughs and over seventeen river islands comprise the unique habitat of this area.

ECOLOGICAL SIGNIFICANCE:

Above Bonneville Dam, virtually the entire United States portion of the Columbia River has been drastically altered by dams. The Hanford Reach is the last significant stretch of the river that maintains characteristics of the pre-settlement mid-Columbia River ecosystem. The Reach is the last remaining habitat for the Great Columbia River spire snail (*Lithoglyphus columbiana*). The Great Columbia River spire snail is listed as Proposed Threatened in Washington and is a Federal Candidate for listing. Riffles throughout the Reach support the last strong population of the Giant Columbia River limpet (*Fisherola nuttalli*), a Federal Candidate and State Proposed Threatened species. Idaho populations of the limpet are relatively small and isolated. The State Endangered white pelican (*Pelecanus erythrorhynchos*) is found on the Hanford Reach each summer and fall, occasionally overwintering here.

The shoreline, gravel bars and islands are habitat for the rare plant persistantsepal yellowcress (*Rorippa columbiae*). The persistantsepal yellowcress is considered Endangered in Washington and is currently a Federal Candidate for listing. In the past, this plant probably occurred up and down the Columbia, today the Hanford Reach offers the only significant habitat for this plant in Washington. Moist, sandy mud flats and seasonally inundated areas of the Reach provide habitat not found elsewhere in Washington for several state Sensitive plant species including dense sedge (*Carex densa*), shining flatsedge (*Cyperus rivularis*), southern mudwort (*Limosella acaulis*), and false-pimpernel (*Lindernia anagallidea*). Trees along the river shore provide communal night roosting sites for wintering bald eagles (*Haliaeetus leucocephalus*) as well as nesting habitat for great blue herons (*Ardea herodias*) and black-crowned night herons (*Nycticorax nycticorax*).

Slopes above the river at the northern end of the Hanford Reach are important habitat for Columbia milk-vetch (*Astragalus columbianus*), a state Threatened, Federal Candidate species. Upland shrub steppe habitat along the length of the Reach provides breeding habitat for striped whipsnakes, burrowing owls, long-billed curlews, and Oregon swallowtail butterflies. Cliffs overlooking the river are nesting areas for prairie falcons. Bluffs also provide habitat for two state Sensitive plants, bristly cryptantha (*Cryptantha interrupta*) and dwarf evening-primrose (*Oenothera pygmaea*). Sand dunes near the river support populations of gray cryptantha (*Cryptantha leucophaea*), a state Sensitive plant.

This last free-flowing stretch of the Columbia supports a diverse association of native fish, wildlife and plants. This rich riparian habitat is not found in slackwater behind dams. Of the river ecosystem once covering hundreds of miles along the Columbia and Snake Rivers, the small segment along the Hanford Reach is all that remains in Washington.

Synopsis compiled by:

Nongame Program, Washington Department of Wildlife
Washington Natural Heritage Program, Department of Natural Resources

Plant and Animal Species of Concern on the Hanford Reach, Columbia River, Washington
Washington Natural Heritage Data System
August 1987

	FEDERAL STATUS	STATE STATUS
PLANTS		
Rorippa columbiae (persistantsepal yellowcress)	C2	E
Astragalus columbianus (Columbia milk-vetch)	C2	T
Carex densa (dense sedge)	--	S
Cryptantha interrupta (bristly cryptantha)	--	S
Cryptantha leucophaea (gray cryptantha)	--	S
Cyperus rivularis (shining flatsedge)	--	S
Limosella acaulis (southern mudwort)	--	S
Lindernia anagallidea (false-pimpernel)	--	S
Oenothera pygmaea (dwarf evening-primrose)	--	S
ANIMALS		
Pelecanus erythrorhynchos (white pelican)	--	SE
Haliaeetus leucocephalus (bald eagle)	FT	ST
Lithoglyphus columbianus (Great Columbia River spire snail)	C2	PT
Fisherola nuttalli (Giant Columbia River limpet)	C2	PT
Masticophis taeniatus (striped whipsnake)	--	PS
Athene cunicularia (burrowing owl)	--	PS
Papilio oregonius (Oregon swallowtail)	--	PM
Percopsis transmontana (sandroller)	--	PM
Catostomus platyrhynchus (mountain sucker)	--	PM
Nycticorax nycticorax (black-crowned night heron)	--	PM
Ardea herodias (great blue heron)	--	PM
Numenius americanus (long-billed curlew)	--	PM
Sterna forsteri (Forster's tern)	--	PM

FT = Listed by U.S. Fish and Wildlife Service (USFWS) as Threatened.
C2 = Candidate for listing by USFWS pending further research.

E = Listed by Washington Natural Heritage Program (WNHP) as Endangered in Washington.
T = Listed by WNHP as Threatened in Washington.
S = Listed by WNHP as Sensitive in Washington.

SE = Listed by Washington Department of Wildlife (WDW) as Endangered in Washington.
ST = Listed by WDW as Threatened in Washington.
PT = Proposed by Nongame Program for listing by WDW as Threatened.
PS = Proposed by Nongame Program for listing by WDW as Sensitive.
PM = Proposed by Nongame Program for listing by WDW as Monitor.

Senator EVANS. Next, Tim Wapato. Tim, it is nice to see you again.

STATEMENT OF S. TIMOTHY WAPATO, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTERTRIBAL FISH COMMISSION

Mr. WAPATO. Thank you, Senator. It is a pleasure to be able to provide testimony to you on this important issue.

It has been a pleasure to provide testimony to you in your three careers that I know, as governor, as chairman of the Power Planning Council, and now as senator.

For the record, I am S. Timothy Wapato, the Executive Director of the Columbia River Inter-Tribal Fish Commission. The Commission believes that the Hanford Reach of the Columbia River qualifies as a scenic river for the following reasons.

I have a written statement which we will submit to the record. I will try and summarize that.

Senator EVANS. Good. The entire statement will be included in the record.

Mr. WAPATO. Thank you. Fisheries values at the Hanford Reach are important to the Indian tribes, you will hear on this same panel from the Yakima Indian Nation of the value of the salmon to their culture, their religion, the dietary staple, and the commerce of the Indian tribes, both since time immemorial and presently.

The use of the fish continues presently for religious, subsistence, ceremonial, and trade purposes. The loss of habitat due to the dams and irrigation, land practices, forest and grazing has caused a decrease in the number of adult salmon being produced in the Columbia River.

The best scientific estimates are that the river at one time produced 11 million to 16 million adult salmon and steelhead. The tribes, of course, in their treaties with the United States, reserved the right to take fish at all usual and accustomed places.

Because of the habitat degradation caused by hydroelectric development and all of the other habitat reasons, there are very few miles left of spawning habitat, particularly in the main-stem Snake and Columbia River system.

The Corps' dams on the lower Columbia and lower Snake, the eight dams, and five public utility district dams on the mid-Columbia, have nearly eliminated all free flowing qualities of the mainstem Columbia.

Hanford Reach remains the last free flowing stretch and provides superior habitat, particularly for the fall chinook salmon spawning.

Hanford Reach now produces large numbers of upriver bright, fall chinook, which is a highly productive stock which contributes to sport, Indian, and commercial fisheries on the Columbia River, and in the coastal waters from Oregon to southeast Alaska.

In 1987, approximately 240,000 adult fall chinook were harvested in the Hanford Reach in the Columbia River. An equal or greater amount were harvested in the ocean, and about 89,000 returned to the spawning grounds to produce more fish for future generations.

These Hanford fall chinook are one of the very few success stories of the Columbia River fisheries restoration efforts.

Scenic river designation of the Hanford Reach is consistent with other Federal government commitments to protect the Columbia River fisheries resource. First and foremost, from the Columbia River Inter-Tribal standpoint, is the treaties of the United States with the Indian tribes guaranteed the right to fish for all time.

The second is the Pacific Salmon Treaty negotiated in 1984, ratified in 1985, which limits ocean interceptions of harvest of salmon stocks, particularly Columbia River stocks, with the idea of rebuilding those stocks.

Third is the Northwest Power Planning Council's interim goal of doubling the salmon and steelhead runs. Presently the run size through the entire Columbia River is 2.5 million salmon.

The goal is to double that to 5 million, which as you know is significantly short of what was historically produced in the river.

The scenic river designation is consistent with ongoing proceedings under the Federal Energy Regulatory Commission, which protect fall chinook spawning habitat in the upper portion of Hanford Reach.

The tribes, particularly the Yakima Indian Nation, and the Umatilla Tribe, are parties to the FERC proceedings that regulate the flows released at Priest Rapids Dam to protect the eggs deposited by fall chinook salmon at Vernita Bar, which is the uppermost segment of the Hanford Reach.

Studies in the FERC proceedings have indicated that salmon spawn at all depths within the water, not just at certain depths, but wherever the water is. Therefore the water must be regulated between certain depths to ensure maximum utilization for spawning.

The designation of Hanford Reach in the Wild and Scenic Rivers System will prevent, and I stress prevent, further activities by the Corps of Engineers and other development interests which threaten the valuable fisheries resource.

I think it is interesting, and should be noted by this Committee, that virtually every agency in the region, the Yakima Indian Nation, the Washington Department of Fisheries, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the Columbia Basin Fish and Wildlife Authority, which are the fishery experts in the region, have all opposed the project as it is being planned.

In light of the remarkable fisheries resources of this reach of the Columbia River, the Commission believes that the Hanford Reach qualifies for immediate designation as a scenic river in the National Wild and Scenic Rivers System.

While we personally believe that substantial information already exists to support this immediate designation, we recognize that Congress may have a desire to conduct a study to evaluate the scenic rivers systems of the reach.

Thus, we are reluctantly willing to support Senate bill 1850, but we strongly recommend that the following language be added to the bill. That during the study period, expenditure of Federal funds for planning, study, or design of proposed development activities that would be contrary to the qualities of the scenic river designation will be prohibited. That concludes my statement, Mr. Chairman.

[The prepared statement of Mr. Wapato follows:]

BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

April 19, 1988

Testimony of S. Timothy Wapato,Executive Director
Columbia River Inter-Tribal Fish Commission

IN SUPPORT OF S. 1850

My name is S. Timothy Wapato. I am the Executive Director of the Columbia River Inter-Tribal Fish Commission. In response to a request by Senator Evans, I am presenting the Commission's views regarding Senate Bill 1850. The Commission provides technical assistance on fisheries issues to our member tribes, which have guaranteed treaty fishing rights on the Columbia River and its tributaries. I am submitting the following information that describes 1)the fisheries values of the Hanford Reach to the Columbia River Indian tribes and 2)the relationship between scenic river designation and continued protection of this remarkable fisheries habitat for future generations.

Fisheries Values of the Hanford Reach to Indian Tribes

Before the era of hydroelectric development, salmon and steelhead numbered at least 10 to 16 million adult fish produced each year from the tremendous habitat of the Columbia and its tributaries. Today, approximately 2.5 million salmon and steelhead are produced. The loss of salmon and steelhead has had the greatest effect on Indian tribes whose traditional fisheries are located in areas of the basin above the hydropower projects. For millenia, the traditional lifestyles of the Indians of the Columbia River centered on the availability of the fishery resource. The salmon and steelhead afforded and continue to provide a dietary staple and a source of commerce. Moreover, these fish are central to the cultural fabric of the Columbia River tribes. Further, our member tribes reserved the right to take fish in treaties with the United States. In return for the cession of millions of acres of land, these tribes were guaranteed this right by the federal government.

The Hanford Reach produces large numbers of upriver bright fall chinook, a highly productive stock which contributes to sport, Indian, and commercial fisheries on the Columbia and in coastal waters from Oregon to Southeast Alaska. In 1987, approximately 240,000 fall chinook that were produced in the Hanford Reach were harvested in the Columbia River, and about 89,000 returned to the spawning grounds to produce more fish for future generations. The fall chinook salmon produced at Hanford Reach is one of the few success stories in Columbia River fisheries restoration efforts. As recently as 1982, the run was in jeopardy due to hydroelectric development activities as well as environmental and other factors. The continued abundance of the upriver bright fall chinook stock is necessary to assure that the tribes receive portions of the salmon and steelhead harvests consistent with their treaty-guaranteed fishing rights.

Relationship between Scenic River Designation and Fisheries Resources Protection in the Hanford Reach

The Hanford Reach, a 57-mile stretch of the Columbia between the Tri-Cities, Washington, and Priest Rapids Dam is the only remaining free-flowing stretch of the Columbia above Bonneville Dam that is accessible to salmon and steelhead. The numbers cited above attest to the fact that this river segment has unique and valuable fisheries resources that need protection from future development activities. I believe that the Hanford Reach qualifies for inclusion in the National Wild and Scenic Rivers System for the following reasons:

1. **The Hanford Reach provides most of the limited, remaining spawning habitat for salmon and steelhead in the mainstem Snake and Columbia Rivers.** Grand Coulee Dam, completed in 1941, cut off hundreds of miles of spawning and rearing habitat in northeast Washington, Idaho, Montana, and Canada. The Snake River hydroelectric dam complex of Brownlee, Oxbow and Hells Canyon Dams were completed in 1967, and these dams prevented

anadromous fish (salmon and steelhead) access to major spawning areas in central Idaho and eastern Oregon. The Corps of Engineers has constructed eight dams on the lower Snake River and lower Columbia River, and another five dams have been constructed on the middle Columbia River by public utility districts. These projects have virtually eliminated natural river conditions in segments of the Columbia that are accessible to salmon and steelhead above Bonneville Dam, the lowest project on the river.

2. **Scenic river designation of the Hanford Reach is consistent with other federal government commitments to protect the Columbia River fisheries resource.** In addition to Indian treaties, international fisheries agreements between the United States and Canada under the Pacific Salmon Treaty of 1984 depend on sustained production of upriver bright fall chinook from the Hanford Reach. Not only does the Pacific Salmon Treaty require protection of this habitat, the Northwest Power Planning Council, established under the Northwest Power Act, has set an interim goal of doubling salmon and steelhead runs. Because many hundreds of miles of spawning habitat are no longer available to anadromous fish, we must carefully manage and resolutely protect the few remaining production areas if we are to attain the interim goal.

3. **Scenic river designation is consistent with ongoing proceedings under the Federal Energy Regulatory Commission which**

protect fall chinook spawning habitat in the upper portion of the Hanford Reach. The Columbia River tribes are parties to proceedings under the Federal Energy Regulatory Commission to ensure that flows released at Priest Rapids Dam protect the eggs deposited by fall chinook salmon at Vernita Bar, the uppermost segment of the Hanford Reach. Extensive research of this spawning area has shown that fish spawning is dependent on river flows. Additionally, successful hatching requires consistent flows to insure that eggs remain underwater during the incubation period.

4. Designation of the Hanford Reach in the Wild and Scenic Rivers System will prevent further activities by the Corps of Engineers and other development interests which threaten the valuable fisheries resources.

The Commission has worked with state and federal fisheries agencies and citizen groups to halt the Corps of Engineers' study of a navigation channel through the Reach. The Middle Columbia River Navigation Project is a proposal to open the Columbia River from the Tri-Cities to Wenatchee to barge navigation. A channel would be dredged through the Hanford Reach to enable barges to navigate to Priest Rapids Dam. Huge mechanical lifts would carry the barges over Priest Rapids, Wanapum, and Rock Island dams on their journey to Wenatchee. Estimated cost of the proposed project is $180 million.

The Commission has opposed the Corps' proposed navigation project because substantial evidence exists regarding the current utilization of the habitat by fall chinook salmon and the project has a very high potential of causing severe negative impacts to this stock of fish. Recent surveys of fall chinook spawning in the Hanford Reach indicate that spawning occurs at all depths across the channel. Hence, any dredging in this area will reduce the productive capacity of the available habitat.

Last fall I met with Major General Mark Sisinyak and Colonel James R. Fry, the North Pacific Division's Division Engineer and the Deputy Division Engineer, respectively, regarding the proposed study. The Major General told me that funding for the study, which is being conducted by the Seattle District, is not within his authority. Apparently, the Seattle District has the option to continue the study indefinitely, and only specific orders from Congress could terminate the study. I believe that specific language should be included in S. 1850 that would prohibit use of federal funds to pursue study of development projects such as the navigation channel during the scenic river study period.

Nearly every state and federal fish and wildlife agency in the Pacific Northwest has expressed written opposition to the Corps' navigation channel proposal because of the harmful effects of the proposal on naturally spawning fall chinook salmon. I am listing a few examples:

Washington Department of Fisheries, February 18, 1988 letter to Noel Gilbrough, Seattle District Corps: "...the impact of the Mid Columbia River Navigation (MCRN) project on the various resources can only be quantified by post-project monitoring. The resources, including upriver bright chinook, are too valuable to be subject to such an experiment; we again request discontinuation of the MCRN study, including the spawning habitat demonstration project."

National Marine Fisheries Service, February 5, 1988 letter to Colonel Philip L. Hall, Seattle District Corps: "... we discourage further study of the Mid Columbia River Navigation [project] because of its potential risk to anadromous fish resources, its inconsistency with the efforts and investments under the Northwest Power Act to restore Columbia River anadromous fish runs, and its risks to the livelihoods of Pacific Northwest fishermen and support industries."

U.S. Fish and Wildlife Service, February 5, 1988 letter to Colonel Philip L. Hall, Seattle District Corps: "...In our view, the impacts from dredging [for the MCRN project] are of such concern that mitigation is not feasible."

Yakima Indian Nation, January 20, 1988 letter to Noel Gilbrough, Seattle District Corps: "The Yakima Indian Nation would again like to state that we are opposed to both the entire Mid Columbia River Navigation project and the mitigation [spawning channel] study."

Columbia Basin Fish and Wildlife Authority, September 18, 1987 letter to Colonel James R. Fry, North Pacific Division: "I am writing to you on behalf of the Columbia Basin Fish and Wildlife Authority (Authority) to express our strong opposition to the proposed Middle Columbia River Navigation Project....The Authority represents 13 Indian tribes and 7 state and federal fish and wildlife agencies which have fisheries management responsibilities in the Columbia Basin....The recent rebound of natural production in the Hanford Reach must not be jeopardized by habitat degradation that would sacrifice a portion of this stock's productive capability."

RECOMMENDATION

In light of the remarkable fisheries resources of this reach of the Columbia River, I believe that the Hanford Reach qualifies for designation as a scenic river in the National Wild and Scenic Rivers System. While I personally believe that substantial information already exists that confirms the Reach's remarkable qualities, I recognize Congress' desire to conduct a study to evaluate the scenic river values of the Reach. Thus, I am willing to support S. 1850 at this time. I strongly recommend, however, that the following language be added to the bill:

> "During the study period, expenditure of federal funds for planning, study, or design of proposed development activities that would be contrary to the qualities of scenic river designation will be prohibited."

This concludes my statement. Thank you for this opportunity to provide the Commission's views to the Subcommittee.

Senator EVANS. Thank you very much, Tim.

We next turn to Lonnie Selam of the Yakima Indian Nation.

STATEMENT OF LONNIE SELAM, SR., TRIBAL COUNCIL, YAKIMA INDIAN NATION, ACCOMPANIED BY JEANETTE LEE, TRIBAL COUNCIL, YAKIMA INDIAN NATION; AND LARRY WASSERMAN, TRIBAL BIOLOGIST, YAKIMA INDIAN NATION

Mr. SELAM. Thank you, Mr. Chairman. Good morning. My name is Lonnie Selam. My Indian name is Lula Slevitt. And I am an elected official of the Yakima Tribal Council and serve as secretary of our cultural committee.

I am accompanied by Jeanette Lee, who also serves on our tribal council. We also have our tribal biologist, Mr. Larry Wasserman, with us today, to answer any technical questions you may have on the fisheries aspects of the Hanford Reach.

I have a detailed written statement I am submitting for the record, and will now summarize my written testimony. The Yakima Nation appreciates the opportunity to speak before the Committee in support of S. 1850, and the Treaty of 1855.

On this occasion, the Yakima Tribal Council sends their greetings and respects to Senator Evans and Senator Adams of the State of Washington, and thanks to Chairman Bumpers for scheduling this meeting.

From time immemorial the free flowing Columbia River has been our home. Now only a single segment remains free flowing, the Hanford Reach. This area is known by Native people as Wanapum. My people call this river Nchi Wana.

This 57-mile reach of the Columbia River provides sanctuary and subsistence for us, and symbolizes our hope for future generations. It is the geographic center of our Native American religious belief, and central to the practice of our Indian religion.

Many great religious leaders, such as Smohalla, began their teaching here. It is central to our belief that the river should remain free flowing and undeveloped, for many of us believe the Creator made the first people here.

Sacred locations and places of use occur throughout the Hanford Reach. These places in our religious practices are threatened by proposed unreasoned developments of private, county, state, and Federal agencies. This is not the time or place to list past desecrations and loss, but a time to plan for the future.

In accordance with the Treaty of 1855 between the United States and the Yakima Indian Nation, a major portion of the Hanford Reach lies in land ceded by the Yakima Indian Nation.

However, Article 3 reserves use and access rights to the Hanford Reach, and the pertinent part reads as follows. "The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed lands.

The Hanford Reach is a usual and accustomed place where we have fought hard to prohibit unreasoned development. It is a place in which we actively sought protection for and enhancement of the fisheries resource.

It is a place where we gather traditional foods and medicines from banks and islands. It is still a place at which the Yakima people hunt. Each spring ceremonial salmon are taken from the reach, and each spring their return is recognized and honored by religious ceremonies. Both ceremonial and subsistence fishing occurs here.

This is not a far away and remote wasteland. This is a garden of food, medicine, and spiritual well-being for our people.

We believe the description of the Hanford Reach as a scenic river is within the tenets of the Treaty of 1855. The elders of our nation teach us about the central importance of the usual and accustomed places of our past, and find meaning in the fact that the Hanford Reach remains free flowing.

Our elders have led us to fight for the return and enhancement of the fishery resources along the Hanford Reach, while so much of the rest of the Columbia River has been greatly damaged by hydropower development and non-Indian commerce.

I would now like to turn it over to Jeanette Lee for further discussion on the fishery aspects of this bill, not only to our people but the state, the region, and benefits that will accrue as far away as Alaska. Thank you for this opportunity.

[The prepared statement of Mr. Selam follows:]

BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

APRIL 19, 1988

WRITTEN TESTIMONY OF THE YAKIMA INDIAN NATION IN SUPPORT OF S. 1850.

The Yakima Indian Nation is pleased to submit this testimony in support of S. 1850, legislation to protect the Hanford Reach of the Columbia River. Our statement deals primarily with cultural concerns, the impact of this bill upon our treaty fishing rights and on the Hanford Reach fishery as a whole. The Yakima Indian Nation would like to thank the Committee and Subcommittee for this opportunity to present our statement.

From time immemorial the free flowing Columbia River has been our home. Now only a single segment remains free flowing, the Hanford Reach. This area is known by Native Peoples as Wanapum. My people call this river Nchi Wana (Big River). This 57 mile reach of the Columbia River provides sanctuary and sustenance for us and symbolizes our hope for future generations.

It is a geographic center of Native American religious belief and central to the practice of our Indian religion. Many great religious leaders, such as Smohalla, began their teachings here. It is central to our belief that the river should remain free flowing and undeveloped for many of us believe the Creator made the first people here. Sacred locations and places of use occur through the Hanford Reach. These places and our religious practices are threatened by unreasoned developments of private, county, state and federal agencies. This is not the time or place to list past desecrations and loss but a time to plan for the future.

In accordance with the Treaty of 1855 between the United States and the Yakima Indian Nation a major portion of the Hanford Reach lies in lands ceded by the Yakima Indian Nation. However, Article 3 reserves use and access rights to the Hanford Reach.

> ...The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the

> privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed lands.

The Hanford Reach is a usual and accustomed place where we have fought hard to prohibit unreasoned development. It is a place we actively sought protection for and enhancement of the fisheries resource. It is a place where we gather traditional foods and medicines from banks and island. It is still a place in which our people hunt. Each spring ceremonial salmon are taken from the reach and each spring their return is recognized and honored by religious ceremony. Both ceremonial and subsistence fishing occurs here. This is not a far away and remote waste land, this is a garden of food, medicine, and spiritual well being for our people. We believe the designation of the Hanford Reach as a Scenic River is within the tenets of the Treaty of 1855.

Ancient and historic villages line the banks of the Hanford Reach as testimony to thousands of years of use and occupation by our ancestors. Countless generations are buried along the banks and on the sacred islands of the Hanford Reach. Nowhere along the entire reach of the Columbia does so complete a record of our history remain. We believe these places must be preserved and protected for their value to us cannot be mitigated.

The elders of our nation teach us about the central importance of the usual and accustomed places of our past and find meaning in the fact that the Hanford Reach remains free flowing. Our elders have led us to fight for the return and enhancement of the fisheries resources along the Hanford Reach which have been so greatly reduced by hydropower development and non-Indian commerce on other parts of the Columbia.

The importance of these sacred ancestral places alone merits the inclusion of the Hanford Reach in the Wild and Scenic River system. When one considers the importance of the fisheries resources as well, it is clear that this is the only reasonable path towards protection of these resources. Upriver bright fall chinook runs were decimated prior to 1982 largely as a result of hydropower development, and the ensuing loss of spawning areas for salmon and steelhead in the mainstem Columbia River. Because of the diligent efforts of Indian tribes, and state and federal entities, in 1987 over 240,000 returning fall chinook were produced from the Hanford Reach. These fish contributed to tribal, sport and ocean fisheries from Oregon to Alaska. The

United States Fish and Wildlife Service estimates that fisheries developed from the Hanford production areas are valued at $20,000,000. These fish are not only an important component of commercial harvest, but are critically important to tribal ceremonial and subsistence fisheries. In addition to providing significant harvest opportunities, more than 100,000 adult fish returned to the Hanford Reach to start the cycle anew.

Steelhead trout are also a major contributor to fish production in the Hanford Reach. In 1987, over 28,000 steelhead were estimated to have returned. These fish are utilized by members of the Yakima Nation, as well as by non-Indian sports fishermen. In addition to providing the remaining mainstem spawning areas for steelhead, the Hanford Reach is important holding area for steelhead, as they are found here throughout the year. This area provides a resting area for these fish during their upstream journey to the upper Columbia River tributaries.

As a result of the construction of hydroelectric facilities on the Columbia River, white sturgeon, which once migrated as far upstream as Canada, are rarely found above the Hanford Reach area. Fish passage facilities are not designed to accommodate these large fish, and it is believed that few pass through navigation locks. The Hanford Reach is believed to be the only area above Bonneville Dam that provides adequate spawning habitat, and sturgeon produced above McNary Dam may be entirely responsible for sustaining viable populations throughout the mid-Columbia.

When one considers the obstacles that salmon and steelhead destined for the Hanford Reach must endure to successfully complete their life cycles, the importance of this area becomes readily apparent. It is estimated that at each dam, 15 per cent of the downstream migrating smolts die as a result of entering power turbines, passing over spillways, or due to reservoir mortality. Fish produced in the Hanford Reach must pass four dams. This equates to a mortality of nearly 50 per cent before these fish even reach the perils of the open ocean. It is clear that all remaining available habitat must be preserved to provide for the continued rehabilitation of these populations. The fact that this is the last remaining spawning area for these fish provides additional support for providing protection for this area.

These unique resources are recognized not only by local Indian Tribes that depend upon them for daily sustenance, but are the focus of national and international efforts as well. Through the actions of Indian Tribes, state and local entities, and members of Congress, the U.S. and Canada Pacific Salmon Treaty was adopted. The importance of the upriver bright salmon stock is so great that it has been targeted as an indicator species to determine the success of this Treaty. Provisions of the Treaty require that areas producing these indicator stocks be protected from environmental degradation. It is only through large-scale, permanent protection that we can be assured that the productive capability of this area will be maintained. Scenic designation provides the means for this assurance, and will act to insure compliance with this component of the U.S.-Canada Treaty.

The importance of the Hanford Reach at the national level is recognized as well through the goals of the Northwest Power Planning Council's Fish and Wildlife Program. It is the intention of the Council to double salmon runs in the Columbia Basin by the turn of the century. These goals are intended to be met primarily through natural production of salmon and steelhead. These goals can only be met if adequate spawning and rearing areas are maintained. Designation of this portion of the Columbia River as part of the Wild and Scenic River system will provide insurance that these habitat components will be available.

It is unfortunate that the Army Corps of Engineers has a history of trying to develop this area of the Columbia River at the expense of its unique cultural and fisheries resources. Ben Franklin Dam, which was proposed in the mid-1960s, would have inundated and destroyed these precious spawning areas. In 1969 a barge channel was proposed that would require dredging of this critical habitat. And today, we are faced with yet another proposal to dredge the Hanford Reach. To date, we have been successful in averting these disasters, but it has only been through unrelenting perseverance, and with enormous expenditures of limited resources. The time has come to provide permanent protection for the limited remaining resources of the Columbia River.

We urge you to support immediate Scenic River designation of the Hanford Reach of the Columbia River. Additional study will only tell us what we already know. Problems that confront us now will still be with us until this issue is finally resolved. A study at this time will only provide additional opportunities for the Corps of Engineers to promote and justify this dredging project. The Yakima Indian Nation would strongly prefer that the Hanford Reach be immediately designated as Wild and Scenic. The Wild and Scenic Rivers Act at 16 USC 1271 states that

> Rivers with their immediate environments that possess outstandingly remarkable qualities in the areas of: scenic, recreational, geologic, fish and wildlife, historic, cultural and other similar values should be preserved in free flowing conditions.

Clearly, the Hanford Reach meets these criteria and therefore should be designated without further ado. If this is not possible, the Yakima Nation strongly urges the adoption of an amendment to insure that no action may go forward that would be inconsistent with eventual designation. We propose the amendment of 16 USC 1278(b) as follows:

> During the study period and 8 year moratorium, no federal funds should be expended that would be used to study or implement any use of the Hanford Reach which would be inconsistent with the eventual designation of the Reach as a wild and scenic river.

We feel that Scenic River designation will provide the protection required to preserve and protect these resources so central to our Indian way of life and so important to our region as a whole.

Thank you for your consideration.

LIST OF INCLUSIONS

1. Yakima Indian Nation Supplemental Written Testimony in Support of S. 1850 May 13,1988
2. Chinook Salmon Redd Counts in the Hanford Reach of the Columbia River 1947-1986
3. Yakima Indian Nation letter to Corps of Engineers, January 14,1987
4. Washington Department of Fisheries letter to Corps of Engineers, February 19,1987
5. Washington Department of Game letter to Corps of Engineers, December 31,1986
6. National Marine Fisheries Service letter to Corps of Engineers, November 28,1986
7. U.S. Fish and Wildlife Service Planning Aid Report, March 31,1988
8. Rex Buck, Wanapum Tribe letter to Corps of Engineers December 26,1986
9. University of Washington Office of Archaeology to Corps of Engineers, December 15,1986

SUPPLEMENTAL TESTIMONY OF THE YAKIMA INDIAN NATION IN SUPPORT OF S.1850 ADDRESSING THE TECHNICAL ASPECTS OF THE MID-COLUMBIA RIVER NAVIGATION CHANNEL ON THE FISHERIES RESOURCES OF THE HANFORD REACH

APRIL 13,1988

This testimony will discuss the potential impacts to the fisheries resources as a result of providing barge access to the Hanford Reach of the Columbia River.

Elimination of spawning habitat due to dredging

The proposed navigation channel will require that areas known to be utilized by upriver bright fall chinook will be dredged to accommodate barge traffic. Channelization will result in making some habitat less suitable for spawning due to changes in depths, velocities and substrates. In these areas, lower velocities will result in lower intragravel flow, thereby reducing oxygen supply to developing eggs, and reducing removal of metabolic waste products generated by developing embryos. Changes in substrate resulting in additional fine sediments reduces successful hatching and emergence of developing embryos as well. Chinook have very specific habitat requirements, and seek out only those areas that have suitable characteristics. Suitable spawning material will need to be removed to provide adequate draft for the barges. This will also result in a reduction of available adequate substrate. With large numbers of returning adults, and limited available spawning areas, fish are forced to construct nests, or redds, in much closer proximity. This results in a higher incidence of superimposition of redds, which also reduces the net production of successfully emerging young fish. While the spawning areas of chinook salmon have been fairly well documented, it is not known at this time where steelhead spawn. In 1987, approximately 28,000 steelhead passed McNary Dam that did not continue past Priest Rapids Dam or ascend the Snake River. Steelhead spawn in the spring, when waters are turbid, so visual identification of redds is not possible. Construction of navigation channels may therefore have large impacts to steelhead spawning areas, yet we have no information as to where these areas may be. Little is known as well about the white sturgeon that spawn and rear in the Hanford Reach. Dredging may have these same impacts on these fish as well. We would expect that the impacts of dredging would be ongoing, as periodic channel maintenance will undoubtedly be necessary.

Disruption of river equilibrium

Previous studies have shown that channel characteristics of the Hanford Reach have been extremely stable since before Priest Rapids Dam was constructed. River bars, riffles, and pools have been located in virtually the same places since the beginning of these inventories. Dredging can destabilize this area, thereby causing shifts in the locations of the adequate spawning areas. The substrates available during and after these channel changes may be quite different after the dredging, and would therefore not provide as high a quality substrate for spawning and incubation. In addition, removal of the top layer of larger substrate, which armors the subsurface layers, may increase the incidence of deposition of fine material over the redds.

Dewatering of redds

Depending on the stream profile in the areas to be dredged, increased channel capacity as a result of streambed removal can reduce flows to the margins of the river. Eggs deposited in these areas would be more likely to be dewatered as a result of these actions. Dewatering of these areas has been of specific concern in the past, and a settlement agreement has recently been reached with Grant County Public Utility District to insure that adequate flows are provided to these areas. At this time, the Corps has not provided a specific proposal as to the flows that will be required to provide adequate draft for the barges. Changes in instream flows may result in additional dewatering of redds as well.

Reduction of juvenile rearing areas

Changes in cross sectional profile can result in reduced flow to backwater areas and sloughs. These areas are known to be used by juvenile chinook and steelhead. Without adequate inflow or outflow, these areas may be unsuitable as rearing areas. In surveys conducted by the Yakima Indian Nation, large numbers of newly emergent chinook were located along margins of the stream where vegetation is inundated on a daily basis as a result of changes in flows over Priest Rapids Dam. Reductions in flow to these areas will cause a decrease in available rearing habitat as well.

Increase in predator populations

Changes in stream channel configuration from shallow, high velocity areas to deeper, slower segments will provide additional habitat for predatory fish such as squawfish and catfish. This will result in lowering the total production of smolts from the Hanford Reach.

Suspension of potentially harmful sediments

Sediments containing radioactive material released from the Hanford Nuclear Plant, along with other contaminants, can be resuspended as a result of dredging. These would have a direct affect on water quality.

Direct mortality or changes in migration timing

There is no dredging window available in the Hanford Reach that would not conflict with some aspect of salmonid incubation, spawning, rearing or migration. The impacts of dredging, aside from reducing spawning habitat, can be to disturb incubating eggs, slow upstream or downstream migration due to increased turbidity or through activities of the dredger, or reduce feeding efficiency through reduction in visibility as a result of additional turbidity. Upstream migrating adults have only a very limited time in which to reach their spawning areas, due to limitations in energy reserves. Increases in the amount of time necessary to reach spawning areas deplete these reserves, and can result in a higher incidence of pre-spawning mortality.

Disruption of spawning or incubation

The close proximity of the barge props to the stream bottom in shallow areas can disrupt spawning activity, and can dislocated gravels, thereby reducing the integrity of the redd. This exposes the eggs to predators, and allows them to be swept into the water column.

Fry stranding

Waves generated by boat traffic may force newly emergent fish, with limited swimming capability, onto exposed shorelines. As the waves receed, fish are stranded, and die due to lack of water, or are entrained in shallow depressions and are subject to increased bird predation.

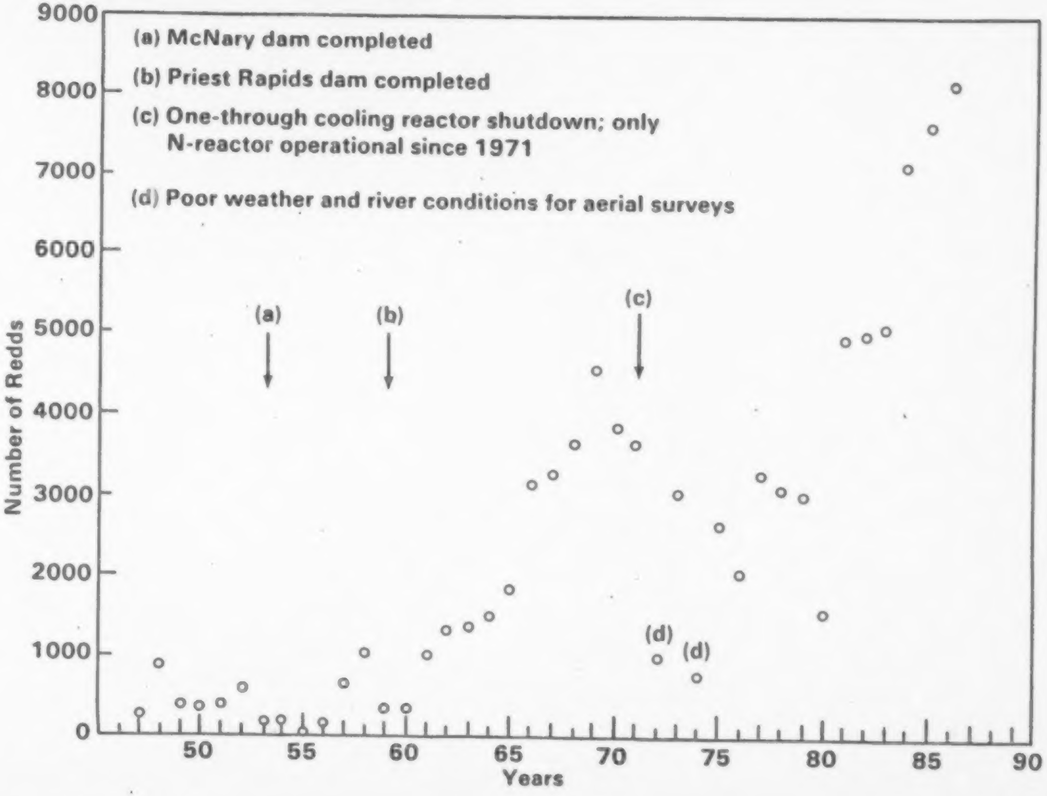
Erosion of shoreline habitat

Waves generated by boat traffic erode shorelines, which provide important rearing areas. In addition, this erosion can result in additional fine material being introduced to spawning areas.

Reduction in water quality

There are a series of ports to be developed if this project is constructed. These ports will contribute additional pollutants in the form of petroleum products, or as the result of contaminants being transported and entering the river by accident.

Chinook Salmon Redd Counts in the Hanford Reach of the Columbia River, 1947-1986



PNL

CONFEDERATED TRIBES AND BANDS
Yakima Indian Nation

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TREATY OF JUNE 9, 1855
CENTENNIAL JUNE 9, 1955

GENERAL COUNCIL
TRIBAL COUNCIL

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TOPPENISH, WASHINGTON 98948

January 14, 1987

U.S. Corps of Engineers
Seattle District
P.O. Box C-3755
Seattle, WA 98124
Attn: Noel Gilbrough

Dear Mr. Gilbrough:

The Yakima Indian Nation would like to comment on the Middle Columbia River Navigation Study. We are vigorously opposed to the concept of a navigation channel through the Hanford Reach of the Columbia River. This last free-flowing stretch of the Columbia River supports over 90,000 (in 1986) naturally spawning fall chinook. This is the last area in the entire mainstem Columbia to support wild, naturally spawning salmon. These precise runs were a key element in the recent conclusion of the 30 year effort of the fish and salmon interception treaty with Canada. We cannot sit idly by while this resource is threatened by yet another project in the name of "progress".

We feel there is no acceptable mitigation that can make this project environmentally sound. Along with the disruption by boat traffic of our newly established McNary Pool fishery a navigation channel will only result in annual maintenance dredging, siltation of the redds in this area due to prop wash and movement of unconsolidated material, and disruption of juvenile salmonids rearing in this area. A port at Mattawa only increases the likelihood of a fuel spill in the area, and will promote additional bank stabilization projects, which will again result in additional loss of fish habitat.

Time and again we have watched projects constructed on the Columbia River that have resulted in the loss of our fisheries each of these projects was sold not only to the Indian people, but to the general public at large on the basis that the project could be built and the fish could be accommodated. Unfortunately, as we all know now, that was simply not the case. The projects have been built, the benefits reaped, and the fishery resource destroyed. Your proposal to develop the last remaining viable stretch of the Columbia River is simply unacceptable from a fisheries standpoint. The Yakima Indian Nation does not intend to passively watch as this project progresses.

The Yakima Nation further has great concern for the effect this project will have on our cultural and religious heritage.

The Hanford Reach and its environs remain untouched by progress. It is the last area in the entire Columbia Basin where our religious places and burial sites have not been flooded or destroyed by "progress" or looters. This project will increase non-Indian access to these areas and can only result in harm to our last remaining untouched cultural area on the mainstem Columbia. Once again, the Yakima Nation is not prepared to sit idly by and watch as grave sites are relocated, or dredged spoils are deposited along banks and islands, forever burying our heritage.

A last concern is the environmental effects that dredging may have upon radioactive sediments that may be present in the Hanford Reach. The Yakima Nation wonders if the Corps of Engineers has considered the possibility of nuclear contamination both of dredged spoils and of downstream areas as a result of disturbing the river bottom throughout this area. The Yakima Nation believes there is a distinct possibility that such may occur.

For all of the above reasons, the Yakima Indian Nation is unalterably opposed to this project and hopes that the Corps of Engineers will reconsider the proposal to pursue this action.

Sincerely,

Melvin R. Sampson, Chairman
Yakima Tribal Council
Yakima Indian Nation

cc: Fish & Wildlife Committee
Stephanie Birchfield - CRITFC
Nick Iadanza - NMFS, Portland

Joseph R. Blum
xxxxxxxxxxxxxxx
Director

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES
115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

February 19, 1987

Mr. R.P. Sellevold, P.E.
Chief, Engineering Division
Seattle District, Corps of Engineers
Post Office Box C-3755
Seattle, Washington 98124-2255

Dear Mr. Sellevold:

Scoping Comments: Middle Columbia River
Navigation (MCRN) Study

The Washington Department of Fisheries (WDF) has reviewed the proposal to construct a shallow-draft navigation channel between River Miles 340 and 395 on the Columbia River and an associated barge transportation system extending to Wenatchee. We have serious reservations about this proposal and we are providing you with these initial scoping comments.

WDF has several avenues for comment and regulatory influence over the development and implementation of these kinds of proposals. We routinely: 1) consult with the federal resource agencies during the execution of their Fish and Wildlife Coordination Act responsibilities, 2) directly advise the Corps of Engineers and its local sponsor on project impacts during National Environmental Policy Act (NEPA) review, 3) advise the Washington Department of Ecology during preparation of the State of Washington Water Quality Certification (Pursuant to Section 404 of the Clean Water Act), and 4) exercise our statutory authority to approve, deny, or condition projects through RCW 75.20.103.

If this project is carried to the Environmental Impact Study (EIS) phase, the State of Washington would eventually have to adopt your document for compliance with the State Environmental Policy Act (SEPA). You should, therefore, pay special attention to the SEPA rules (Chapter 197-11 WAC), particularly those that describe the content of environmental review. Deviation from SEPA rules would disqualify your EIS for state adoption.

The Hanford Reach of the Columbia River is the primary spawning habitat for an extremely important stock of fall chinook salmon commonly referred to as "upriver brights". Not only are these fish important because of their sheer numbers and the higher prices they command in the commercial markets, but also because they continue to play a central role in salmon management in the Pacific Northwest.

The 1986 return to the mouth of the Columbia River for this stock was approximately 300,000 adult fish, and early predictions for 1987 are for a return of 450,000 adults. The 1986 escapement above McNary Dam for this stock was 130,000 adults and 74,000 of these spawned in the Hanford Reach. We estimate that the 74,000 fall chinook adults which spawned in the Hanford Reach will produce 115,000,000 fry which will be rearing in the Hanford Reach and McNary Pool.

This stock of fish is heavily-relied on by non-Indian and Indian commercial fisheries. Additionally, a rapidly growing sport fishery in the Hanford Reach utilizes this stock of chinook. This fishery represents a rare opportunity for Eastern Washington residents to share in the state's salmon bounty.

The current strength of this stock is due, in part, to years of intensive management by the States of Washington and Oregon, which included severely restricted in-river fisheries and restriction of ocean interceptions. The most recent example was the international negotiations which drastically curtailed growth in Alaskan and Canadian fisheries. These curtailments were largely to protect this stock and other upper Columbia River chinook stocks which migrate through the Hanford Reach as both adults and juveniles.

Upriver brights are an indicator stock under the new U.S.-Canada Treaty on salmon interceptions. Return of these fish will be a key element by which the success of the Treaty is judged. The United States is bound by that Treaty not to take actions that will erode the production potential of its indicator stocks.

The following comments refer to specific environmental problems that should receive study if this proposal is pursued.

Shoreline Erosion

Barges will create wakes that could exacerbate an already serious problem of mass wasting in some areas along the Grant and Franklin County shorelines. Waves could erode the toe of already unstable slopes and cause significant siltation of spawning gravels. Intragravel survival of salmon eggs could be affected and benthic productivity reduced. Chronic turbidity sources could easily be created.

Spawning Habitat

Dredging could significantly alter important characteristics of spawning areas. These impacts range from direct removal of the substrate to alterations of intragravel flow parameters. The more subtle impacts may have the most profound and negative impacts on stock productivity. Unfortunately, these impacts will also be the most difficult to predict. Any changes in channel morphometry should be assumed to have commensurate changes in surface and subsurface flow characteristics which may adversely affect spawning habitat. These characteristics would include, but may not be limited to: water depth, velocity, substrate size and composition, substrate stability, gravel permeability, intragravel flow and drainage or dessication rates of gravel bars.

Rearing Habitat

Barge wakes may strand juvenile chinook on gravel bars causing direct mortality. Channel cross sectional changes may locally reduce the wetted surface area of the river on low flows or negatively affect flow characteristics in shoreline rearing areas. These changes could affect habitat selection by juvenile chinook and over the long term, physically modify the habitat.

Prop Wash

The prop wash from pushboats could excavate completed redds, interrupt spawning, and routinely resuspend settled sediments. These impacts could result in direct and indirect mortality to eggs and alevins. This is a concern, especially for the redds that are constructed in deep water.

Radionuclide Transport

Radionuclide transport from the Hanford Reach could be altered by this proposal. Alteration could come from resuspension of adsorbed radionuclides during dredging or by prop wash. How might these changes affect aquatic biota?

Navigation Safety

The proposal has the tows riding the peaking flows downriver while loaded. How easily will the pushboat operators be able to control their tows in these flows? It has been our experience that the barge interests are a very safety-conscious group, always seeking better turning radii in the navigation channels and better approaches to locks. If safety problems exist, there are serious implications for the fisheries resource. Spills of petroleum products or fertilizers could kill large numbers of rearing, spawning, or migrating fish. Barge grounding could physically damage redds.

Sport Fishery

There exists an important and growing sport fishery in this section of the river. Barge traffic will interrupt the fishery and be a hazard to small boats.

Port Pollution

An integral part of this proposal is port development. Existing ports on the river are a routine source of pollution. Sediments recently analyzed from ports in the Snake River show elevated levels of pollutants. These impacts must be considered, along with all other impacts due to construction, operation, and maintenance of port facilities.

Disposal of Dredged Sediments

WDF would be unlikely to authorize in-water disposal. If islands were created, it would be at the expense of productive aquatic habitat. This would be difficult to justify, especially since this reach of the river already has numerous islands.

Dredge Window

What would the selected window for dredging and maintenance be? The normal window permitted in nearby reservoirs of the Columbia is from December through February. However, this is the time when fall chinook eggs are incubating in the gravel, so it would not be acceptable in the Hanford Reach. There is no dredge window in the Hanford Reach that would not conflict with significant anadromous adult or juvenile fish migration, rearing, spawning or egg incubation. These conditions may represent unmitigatable impacts.

Scope of Operation and Maintenance

We assume that the dredge and disposal problems presented by the current proposal are conservative estimates. We believe the operation and maintenance impacts of this proposal should receive serious inspection. You may be underestimating the environmental impact and financial burden of operation and maintenance activities. We say this for three reasons: 1) we suspect that once the navigation channel is dredged it could set in motion a shifting of now relatively stable gravel bars, 2) barge interests will undoubtedly request improvements to the basic navigation channel provided (e.g., better turning radii, etc.) and, 3) shoreline erosion caused by barge wakes may increase direct sediment input.

Cumulative Impacts

To the extent that the above project-specific impacts can be qualitatively and quantitatively assessed in the environmental impact assessment process, they must also be analyzed in conjunction with the myriad of other projects and activities on the Columbia which also reduce the potential productivity of the salmon stocks which migrate through and spawn and rear within the Hanford Reach of the Columbia River. Many of the affected stocks are the subject of intensive mitigation activity on the part of the hydroelectric operators on the Columbia River in an attempt to restore the productivity lost to operation of the Columbia River hydroelectric system. These mitigation efforts are annually costing millions of dollars. The fishery impacts of this project must be examined in the context of the counterproductive effect they will have on the mitigation/restoration efforts being currently undertaken by the hydroelectric project operators.

In summary, we do not know, nor do we think anyone can adequately predict the impact of your proposal on the stability and productivity of the river habitat and its fisheries resources. Therefore, we see the quantification of impacts from your proposal as something that could only be known from post project monitoring. An "experiment" of this scope and with this resource is not acceptable. We suggest that the Corps of Engineers and its local sponsor, the Port of Chelan, not waste additional funds studying an idea that will likely be strongly opposed by federal and state resources managers.

We appreciate this opportunity to comment and shall follow this proposal with keen interest. Please continue to closely coordinate any review of your Feasibility Study with our Regional Habitat Manager in Yakima, N. Phil Peterson, telephone (509) 575-2743.

Sincerely,

Gordon Zillges for
Duane E. Phinney, Chief
Habitat Management Division

DEP:NPP:db

cc: George L. Sellar-Port of Chelan County
Levi George-Yakima Indian Nation
Chuck Dunn-USFWS
Dale Evans-NMFS
Marcia Lagerloef-EPA Region 10
Mike Palko-DOE
Chris Drivdahl-WDG

Gilbrough

JACK S. WAYLAND
Director

Tony Eldred

STATE OF WASHINGTON
DEPARTMENT OF GAME
3860 Chelan Highway
Wenatchee, WA 98801

Mr. R. P. Sellevold, P.E.
Chief, Engineering Division
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, WA 98124-2255

December 31, 1986

Dear Mr. Sellevold:

We have reviewed your recent discussion of Middle Columbia River Navigation (MCRN) Study alternatives. I apologize for late reply; your paper reached me after circuitous routing and delay. In addition, workload has prevented an earlier response. I informed Mr. Noel Gilbrough, Study Manager, our response would be delayed. We do appreciate you providing this feasibility proposal for review and comment. I will offer some general comments and then provide a few specifics.

We acknowledge this present navigation study is much scaled down from previously. Nevertheless, our concern is not diminished. We consider the Hanford Reach (RM 340-395) of the Mid Columbia River as environmentally very sensitive. To us, this is a "must protect" area. The Hanford Reach of the Mid Columbia River and the Asotin Reach of the Snake River (from Asotin, Washington to the Idaho Power Co. projects) are the sole remaining undammed portions of these streams, so far as major hydro and navigation potential. In 1982 we recommended to the Northwest Power Planning Council that these reaches, among other waters, be protected from hydro development. Our recommendation is being evaluated. Our preservation concern in regard to navigation is similar to that for hydro development. The island and gravel bar habitat is an inseparable part of the uniqueness of this area; it plays an important role in supporting present fish and wildlife diversity and abundance. In our opinion, direct and secondary adverse results of MCRN will jeopardize these great fish and wildlife resources.

As to identifying environmental opportunities, such as creation of islands with spoil, we are somewhat reluctant to even hypothetically address this topic. This reluctance is born of experience. With dredge and spoil projects on the Lower Snake, we are experiencing frustration translating ideas and seeming understandings into reality.

Our general comments are obviously negative and not supportive of MCRN. This agency dislikes an image of being only reactive and negative; being positive and proactive is preferable when possible. But we feel this instance warrants the greatest caution on our part in order to adequately convey our concern for this "must protect" area.

Specific comments

Page 2, para. 2- You cite Ogden Beeman's study (1982) as a possible (inferred) compromise concept, wherein empty barges would move upstream, and loaded barges downstream on the "high tide" of power peaking. This would require (only!) 200,000 c.y. of excavation over 2 miles. On page 1, para. 3, you remark that generally the navigation system moves commodities both ways, upstream as well as downstream. Ogden Beeman's concept of loaded traffic downstream-only serves well to get a foot in the door, but once commercial navigation is a reality, users and advocates can not long be satisfied with a one way haul. Realistically, one must consider MCRN as deep draft both ways and determine the requirements to achieve that, and the environmental results.

One of the environmental results will be disturbance of numerous gravel bars. The stream bottom on bars and adjacent to islands is spawning habitat for anadromous fish. I believe Battelle has past estimated for the Seattle District that 8,000 - 16,000 steelhead spawn in the Hanford Reach. Our fishery management places the highest priority on the protection and improvement of wild trout populations. I simply can not contemplate constructing a navigation channel without serious consequences for anadromous fish. Further, we would be most reluctant to entertain a proposal to mitigate destroyed natural production with a hatchery program. And, without more information, the consequences for some resident fish species might be serious.

Wildlife will be affected by direct and secondary impacts. Compromising of island or shoreland habitat will negatively impact waterfowl, deer, some upland species, and possibly furbearers. Threatened and Endangered species may also be affected.

To illustrate, the minimum proposal of dredging 200,000 c.y. of spoil will, we expect, take considerable areas of shoreline habitat. This minimum concept equates to a continuous 2 mile deposit of bottom material, 50 yds. wide and 3.5 ft. deep. This would be the loss of up to 176,000 sq. yds. of habitat. We can only speculate what dredging for 9 miles or 20 miles of 14 ft. depth would produce.

The ports will convert wildlife habitat with development of necessary facilities. And, based on our Lower Snake experience, problems of berth maintenance through dredging and spoil disposal will arise, further usurping habitat someplace.

Lastly, certain portions of the Mid Columbia River are closed to human recreational traffic during the waterfowl season to reestablish resting havens for waterfowl. These closures have decreased disturbance such that thousands of waterfowl have resumed using these areas for resting. We can not visualize navigation traffic as being innocuous. We must view it as a form of distrubance.

To state the obvious, we have great concern for preserving the Mid Columbia River. Even though we can not support the intent of your MCRN study, we do appreciate the opportunity to review your feasibility plan and offer comments. And again, I apologize for the lateness of reply.

Yours very truly,

Tony Eldred

Tony Eldred
Eastern Mitigation Coordinator
Habitat Management Division

cc Gene Tillett, WDG-Yakima
Tracy Lloyd, WDG-Ephrata
Chris Drivdahl, WDG-Olympia
Bill Zook, WDF-Wenatchee
Mike Stempel, USFWS-Moses Lake
Chuck Dunn, USFWS-Olympia

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION
847 NE 19th AVENUE, SUITE 350
PORTLAND, OREGON 97232-2279
(503) 230-5400

Gilbraugh
Ed Pl File

F/NWR5:153

NOV 28 1986

R. P. Sellevold, P.E.
Chief, Engineering Division
Seattle District, Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124-2255

Dear Mr. Sellevold:

The National Marine Fisheries Service (NMFS) has reviewed the information included with your October 28, 1986 letter regarding the Middle Columbia River Navigation Study. In response to your request for comments, we offer the following:

1. The NMFS view of potential impacts associated with the development of a navigation channel were identified in the Draft Working Paper - Development of Information Needs for Assessing Impact of Proposed Hanford Reach Navigation Channel on Anadromous Fish Resources sent to you on August 20, 1986. We believe that the information needs identified in this document (enclosure) must be addressed in an Environmental Impact Statement (EIS).

2. The proposed development of the Port of Matawa adds an additional level of risk to the resource not identified in our initial scoping comments. This facility would be located immediately upstream of Vernita Bar, one of the most important upriver bright fall chinook salmon spawning areas in the Hanford Reach. Port facilities are sites where vessel congestion and inadvertent fuel and cargo spills are normal occurrences. For example, there has never been a reported petrochemical spill at the Port of Lewiston on the Clearwater River, yet sediments are contaminated with low levels of alkylbenzenes, indicating that petroleum products are being spilled at the facility. The potential for physical disturbance of bottom substrates and disruption of spawning by vessel activity, contamination of spawning gravels by incidental fuel and cargo spills, and the possibility of a major petrochemical or other cargo spill contaminating the downstream spawning area leads us to recommend that the proposal to develop a port facility at Matawa be eliminated as a study alternative.

3. To our knowledge, there has never been major navigation development on a stream where anadromous fish existed that has resulted in anything but a negative effect on the fisheries resource. From a historical perspective of development in the Columbia River system, it is unlikely that the Middle Columbia River Navigation Project can be constructed without a detrimental impact on fall chinook salmon. Given the lack of proven techniques to mitigate impacts on natural production of fall chinook salmon, we cannot identify any environmental opportunities associated with the project.

4. We question whether your intent to rely extensively on existing information is appropriate for the feasibility level of study. We were under the impression that an EIS is a part of the feasibility report. There is information available on the fall chinook salmon resource in the Hanford Reach that could be used to describe the affected environment. Information necessary to analyze impacts posed by the alternatives (e.g., direct and indirect effects on the resource and their significance; possible conflicts between the proposed action and the objectives of Federal, regional, or State plans, etc.), however, was not developed in your previous investigations. The development and analysis of this information is necessary to weigh the need for the action against the risk of possible adverse impacts.

Thank you for the opportunity to comment on the study data for the Middle Columbia River Navigation Study. Questions concerning our comments should be directed to Nicholas Iadanza, of my staff, at FTS 429-5433.

Sincerely,

Dale R Evans

Dale R. Evans
Division Chief

Enclosure

cc: w/enclosure

Fish & Wildlife Service, ES, Portland
Washington Dept. of Fisheries
Washington Dept. of Game
Washington Dept. of Ecology
Environmental Protection Agency
Columbia River Inter-Tribal Fish Commission
Yakima Indian Nation

National Marine Fisheries Service
August 19, 1986

DRAFT WORKING PAPER - DEVELOPMENT OF INFORMATION NEEDS FOR ASSESSING IMPACT OF PROPOSED HANFORD REACH NAVIGATION CHANNEL ON ANADROMOUS FISH RESOURCES

I. Anadromous Fish resources

A. Fall Chinook salmon

- adults spawn throughout Hanford Reach - mid-October through November.
- pre-emergent fry in redds through May.
- emergence - March through May
- early rearing in near-shore and backwater areas through June.

B. Summer chinook salmon

- adults pass through Hanford Reach mid-June through mid-August - possibility of incidental spawning.
- juveniles outmigrate from upstream areas July through August (0-age) and April through September (1-age). 0-age juveniles show a tendency to migrate in near-shore areas.
- no evidence of rearing in Hanford Reach

C. Spring chinook salmon

- adults pass through Hanford Reach April through mid-June, no spawning.
- juveniles outmigrate through reach April through September, peak in mid-May (1-age).
- no evidence of juvenile rearing in Hanford Reach.

D. Sockeye salmon

- adults pass through Hanford Reach June through early September, no spawning.
- juveniles outmigrate May through July, no rearing.

E. Coho salmon

- adults pass through Hanford Reach August through October, no spawning.
- juveniles outmigrate April and May, primarily 1-age fish of hatchery origin - no rearing.

F. Steelhead trout

- adults actively migrate upstream through the Hanford Reach April through October, peak in August and September. Adults overwinter in Hanford Reach.
- spawning occurs in Hanford Reach February through May - estimates of spawning population are available, but actual counts have been precluded by high flows and turbid water during spawning period. Limited observations indicate that steelhead spawn in the same general areas as fall chinook salmon.
- There are no data to substantiate juvenile steelhead rearing in the Hanford Reach. However, steelhead juveniles were found using sloughs at the upper end of McNary reservoir for early rearing and it is assumed that they use similar habitat in the Hanford Reach.

II. Potential impacts.

A. Navigation Channel

1. Elimination of spawning habitat due to deepening, removal of suitable materials.

2. Channelization will change the hydraulics of certain areas:

   a) making some habitat less suitable for spawning due to undesirable velocity conditions.
   b) changing intragravel flow conditions with a resultant decrease in egg to emergence survival.
   c) lessening flushing of fine materials from gravel with a reduction in egg to emergence survival.

3. The natural equilibrium of the river will be disrupted, resulting in increased movement of bed materials until the channel restabilizes. This bedload movement could adversely impact spawning areas within and downstream of the channelized areas.

4. The river stage may be changed. This is a significant concern where a channel will be excavated through shallow areas. At low flows, there may be a reduction in wetted area and shoreline development and an increased potential for dewatering redds.

5. The improved conveyance of water through channelized areas will increase the rate of drainage from adjacent shallow areas. At low flows, this would increase the potential for dewatering redds.

6. Lowered river stages coupled with an increased rate of drainage from bank areas will jeopardize the maintenance of slough and backwater areas, decreasing productivity and increasing the potential for juvenile standing as flows are reduced.

7. Increases in cross-sectional area due to channel excavation may lower velocities in some areas, allowing more fine materials to deposit and decreasing the value of the substrate for spawning.

8. In some areas channel creation may result in low river flows being confined in a high velocity channel which could impede upstream migration of anadromous fish.

9. Changes in channel morphology that result in the replacement of wide, shallow, relatively high velocity river segments with deep, low velocity areas will not only expand the habitat available for predatory fish but also concentrate juvenile outmigrants during low flows, making them more susceptible to predation.

10. Depending upon the proximity of the navigation channel to irrigation diversions, water intakes, etc., juvenile outmigrants may be directed into areas where they would be more susceptible to entrainment and/or impingement during low flows.

11. Changes in hydraulics may affect the width and dispersion of the Hanford thermal plant discharge plume.

12. Excavation of the channel may result in the resuspension and release of contaminants associated with the sediments into the water column.

B. Navigation

1) Waves generated from vessel passage may:

a) increase shoreline and island erosion, redistribute fine sediments onto spawning areas.
b) increase near-shore turbidity,
c) resuspend fine materials in slough and backwater areas, decreasing their productivity.
d) increase the potential for stranding juvenile and adult fish.

2) Propeller wash and turbulence associated with vessel passage may:

   a) disrupt and resuspend bottom materials,
   b) disturb spawning activities,
   c) excavate redds,
   d) displace benthic organisms, reduce benthic productivity.

3) Increases in mortality due to propeller entrainment of juvenile and adult fish.

4) Interference with Indian tribal fisheries.

5) Interference with sport fisheries.

6) At low flows, if adult migrants are confined in channelized areas, vessel passage may displace them downstream, extending their upstream migration period.

C. Maintenance dredging may result in:

1) Disruption of spawning.

2) Interference with upstream migration.

3) Impacts on juvenile migrants.

4) Resuspension and release of contaminants associated with dredged materials.

5) Interference with Indian tribal fisheries.

6) Interference with sport fisheries.

III. Information needs.

1) Detailed distribution information on fall chinook salmon spawning, especially with regard to depth.

2) Qualitative and quantitative information on benthic production.

3) Physical and chemical analysis of representative samples of materials to be dredged and evaluation of potential for introduction of contaminants into water column.

4) Data on gravel permeability, intragravel water levels, and apparent velocity of intragravel water in spawning areas at various flow levels.

5) Hydraulic simulation comparing pre-and post-project flow conditions in channelized areas over entire flow range to determine and predict:

    a) changes in river stage, wetted area, shoreline development;
    b) water level changes in sloughs, side channels, and backwater, as related to main channel water levels;
    c) changes in the magnitude and direction of subsurface flows, and
    d) changes in sediment transport, deposition, flushing, and bedload movement.

6) Determination of the effect of hydraulic changes on mixing and dispersion of thermal discharge from Hanford Generating Plant and proposed Washington Public Power Supply System plants, at all flows and river temperatures.

7) Prediction of volume and fate of materials displaced as river attempts to restabilize after channel excavation.

8) Determination of changes in intragravel water levels and intragravel velocity in spawning areas adjacent to deepened channels.

9) Information on the nature and dynamics of vessel generated waves as related to the near-shore environment, at all navigation flows.

10) Determination of the nature and susceptibility to erosion and/or resuspension by vessel generated waves of near-shore, shoreline, island, and backwater substrates.

11) Topographic data on near-shore areas which will be affected by vessel generated waves to assist in the evaluation of the potential for stranding fish.

12) Information on the dynamics of propeller wash and turbulence associated with passage of vessels.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Fish and Wildlife Enhancement
2625 Parkmont Lane SW, Bldg B
Olympia, Washington 98502
206/753-9440 FTS 434-9440

March 31, 1981

Colonel Philip L. Hall
Seattle District, Corps of Engineers
PO Box C-3755
Seattle, Washington 98124

Dear Colonel Hall:

Enclosed is our planning aid report for the Mid-Columbia Navigation Project. This report has been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401 as amended; 16 U.S.C. 661 *et seq.*). This report is not to be construed as fulfilling our reporting requirements under Section 2(b) of the Act, but rather as technical assistance. It is being distributed to agencies and other interested organizations for their review.

We feel it is important for the Corps to hold an interagency meeting in the near future to further identify and refine bseline wildlife and fish study needs. If you have any questions regarding this report, please contact Steve Lannoy of my staff at the letterhead phone/address.

Sincerely,

Lynn P. Childers

Lynn P. Childers
Acting Field Supervisor

Enclosure with attachment

c: WDW, Ephrata (Eldred)
WDW, Olympia
WDF, Olympia
WDF, Yakima (Peterson)
BIA, Portland
EPA, Seattle
NMFS, Portland
NPS, Seattle (Canty)
YIN (Wasserman)
CRITFC (Burchfield)

INTRODUCTION

The U.S. Army Corps of Engineers is currently studying the feasibility of a barge navigation system between Richland and Wenatchee. The project is referred to by the Corps as the Middle columbia Navigation Project. This planning aid report provides information on important fish and wildlife resources of the project area. This report has been prepared under the authority of and in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). This report is not to be construed as fulfilling our reporting requirements under Section 2(b) of the Act, but rather as technical assistance. It is based mainly on information provided by the Corps through February 1988.

In this report, species information applicable to the Hanford Reach is presented, potential project impacts identified, and additional study needs addressed. Additional surveys and inventories, such as the Habitat Evaluation Procedures (HEP), will probably be necessary once specific project sites are identified by the Corps. Fish and aquatic invertebrate species are emphasized, due to their relative susceptibility to impacts from the proposed project. Information collected to date has indicated there is also a high probability wildlife species of concern to the Service will also be impacted by the project. Brief summaries of their distribution and habitat use in the project area are provided. Some potential project impacts to these species and initial study needs are identified. The species of concern identified in this report are not an inclusive list. Rather, the list will be updated as we gather more detailed information on the project area.

The Service considers the chinook salmon as the most important resource in the Hanford Reach. However, this letter will not include information on chinook salmon, as this species is being addressed in detail by the National Marine Fisheries Service (NMFS). In addition, many of the chinook salmon issues have already been addressed by this Service and other agencies in letters pertaining to the initiation of the project and to public notices for two separate proposals by the Corps to construct salmon spawning demonstration projects.

PROJECT AREA

The project area extends along the Columbia River in Washington State from Richland to Wenatchee in Washington. The Hanford Reach includes the portion of the Columbia River from Priest Rapids Dam to Richland city limits, a distance of approximately 50 miles (Figure 1). The majority of the uplands and River

Islands 1-10 in the Reach are owned by the Department of Energy (DOE). The uplands west of the river are referred to as the Hanford Reservation. Some DOE facilities are present but the area is predominantly undeveloped. The DOE property along the east side of the river is undeveloped and has been designated as the Saddle Mountain National Wildlife Refuge, managed by the Fish and Wildlife Service, and the Wahluke Slope Wildlife Recreation Area, managed by the Washington Department of Wildlife.

Management of the Hanford Reach and its resources have undergone several significant changes since DOE acquired the land in 1943. The Hanford Reservation and Saddle Mountain National Wildlife Refuge lands have always been closed to public access. Wahluke Slope Wildlife Management Area was established in 1972 and was opened to the public for hunting and other recreational pursuits. Until 1977, DOE kept the river closed to public access from the old Hanford townsiste to Vernita Bridge (Figure 1). In 1977, the Reach was opened to public boating but access to Islands 1-11 remained closed. Public access to Islands 11-20 is allowed but is restricted between February 1 and July 1 to protect nesting Canada geese. The Reach from Wahluke Slope Wildlife Recreation Area to Vernita Bridge is closed to hunting and fishing during the waterfowl season to provide a resting area for waterfowl.

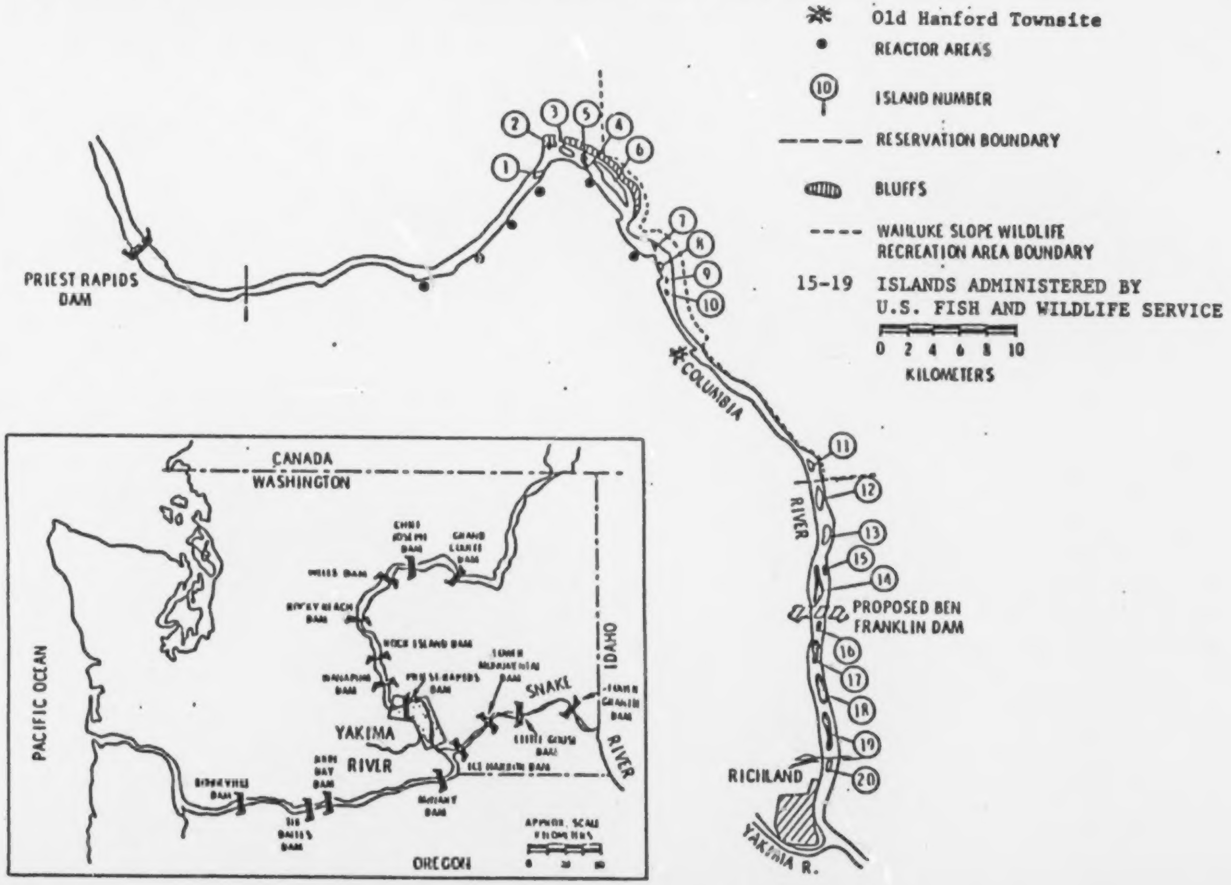
PROJECT DESCRIPTION

Project design is currently in the concept phase, although initial details (i.e., channel depth and port locations) of the project have been presented in a feasibility level plan by the Corps (1987). Pertinent features of the project in regard to fish and wildlife will be described in this report. As such, the discussion will emphasize project features within the Hanford Reach.

The initial project proposal involves dredging a channel between 9 and 12 feet deep by 200 feet wide. A channel of these dimensions would require a minimum river flow of 70,000 cubic feet per second (cfs) for barge transportation. Given this flow, an 11-foot-deep channel (for example) through the Hanford Reach would require dredging over 6 miles of the Reach (Corps 1987). Dredge spoil sites have not been addressed. One port site (Port of Mattawa) encompassing 50 acres is proposed along the Hanford Reach. It would include 1/2 mile of river frontage along the east bank about 2 miles below Priest Rapids Dam.

There are some general project impacts that will involve many of the species of concern. To reduce repetition, they will be discussed here.

Figure 1 Hanford Reach of the Columbia River (from Dewaard 1981, modified)



Old Hanford Townsite
REACTOR AREAS
ISLAND NUMBER
RESERVATION BOUNDARY
BLUFFS
WAHLUKE SLOPE WILDLIFE RECREATION AREA BOUNDARY
15-19 ISLANDS ADMINISTERED BY U.S. FISH AND WILDLIFE SERVICE
0 2 4 6 8 10
KILOMETERS
PRIEST RAPIDS DAM
1
2
3
5
4
6
7
8
9
10
COLUMBIA
RIVER
11
12
13
15
14
PROPOSED BEN FRANKLIN DAM
16
17
18
19
20
RICHLAND
YAKIMA R.
CANADA
WASHINGTON
PACIFIC OCEAN
IDAHO
OREGON
YAKIMA
RIVER
SNAKE
RIVER
ROCK ISLAND DAM
PRIEST RAPIDS DAM

1. Dredging will result in a uniform channel depth and as such decrease riverine habitat diversity. Uneven bottoms provide much more surface area for the attachment of sessile plants and animals relative to an even bottom. Probably more important, uneven bottoms break up downstream velocities, promoting counter currents and eddies. This is beneficial in that most fish species avoid strong downstream currents but are able to feed on passing organisms in these currents by staying in adjacent areas with reduced downstream velocities.

2. The dredged channel could also lead to a change in river hydraulics, such that erosional processes could significantly impact riverine habitat (i.e., spawning habitat) as well as riparian shoreline and island habitat.

3. Dredging a 200-foot by 11-foot channel may also result in a significant change to water levels in the Reach. Backwater areas could become isolated from the main channel and there will be a loss of shallow shoreline habitat. The amount of loss will depend on riverbed profile, river width, and the amount of substrate removed during dredging.

FISH AND WILDLIFE RESOURCES

Our February 5, 1988 letter regarding the proposed Coyote Rapids salmon spawning demonstration project provided a general discussion of the Hanford Reach from an ecosystem perspective. This issue remains extremely important to the Service. For this reason, and in an effort to summarize our concerns to date, we present this ecosystem discussion from our letter below.

> Our concerns extend beyond the species level to the ecosystem level. The Hanford Reach is the last remnant of the free-flowing Columbia River in the United States, and presents a nearly natural ecosystem that is complex and not easily understood. The Reach in its present condition provides an opportunity to learn about this ecosystem and about species requirements and interactions, such as salmon spawning. It can also serve as a "control" with which to measure the impacts of previous damming and dredging activities at other locations, to predict impacts from proposed actions, and to solve fish and wildlife problems.

In light of the above discussion, all native species are of equal value. However, there are numerous species of social, economic, and/or biological value (restricted distribution, susceptible to impacts, salmonid and/or white sturgeon predators) that occur in the Hanford area and are of special concern to the Service. These include steelhead trout, white sturgeon, sandroller, mountain whitefish, smallmouth bass, largemouth bass, walleye, giant Columbia River limpet, great Columbia River spire snail, waterfowl (especially Canada goose), long-billed curlew, Swainson's hawk, ferruginous hawk, western sage grouse, white pelican, colony nesters such as the black-crowned night heron, great blue heron, Forster's tern and several gull species, Columbia milk-vetch, Hoover's desert parsley, and the persistent sepal yellowcress. These species, especially the fish and vertebrate aquatic species, will be emphasized in this report.

Endangered Species

In accordance with Section 7 of the Endangered Species Act of 1973, as amended, the Corps is required to assure that their actions have taken into consideration impacts to federally listed or proposed threatened or endangered species for all federally funded, constructed, permitted, or licensed projects.

We have determined that two listed species (the bald eagle and the peregrine falcon) may be present within the project area (see Attachment A). You may consider the attached list as a response pursuant to Section 7(c) of the Act. If the action is determined to be a "construction project" (see Attach-ment B), it is the Corps' responsibility to assure that a biological assessment is conducted and that any necessary endangered species consultation (as described in Section 7(a) of the Act) is completed and problems resolved before issuance of a license or granting of an exemption. Should the assessment determine that the project may affect bald eagles or peregrine falcons, the Corps is required to consult with this Service.

We have included a list of candidate species presently under review by this Service for consideration as endangered or threatened. Candidate species have no protection under the Act, and a determination of "may affect" for candidates does not require preparation of a biological assessment or consultation with the Fish and Wildlife Service. Candidate species are included simply as advance notice to federal agencies of species which may be proposed and listed in the future. If early evaluation of your project indicates that it is likely to adversely impact a candidate species, the Corps may wish to request technical assistance from this office.

If you have any questions regarding endangered species or your responsibilities under the Act, please contact Jim Michaels of my staff at the letterhead phone/address.

Fish and Aquatic Invertebrate Species

A total of 43 species of fish are known to occur in the Hanford Reach (Gray and Dauble 1977). An additional 4 species probably occur but have not been observed to date. Interactions between various species are undoubtedly numerous and complex. For the most part, the significance of these interactions are not known. It is possible that project-related impacts to the aquatic community may result in an increase in fish species that prey on the eggs, fry and/or smolts (as applicable) of species of concern. In addition to this concern, the Service is interested in assuring that the post project Hanford Reach would continue to support viable populations of all native fish species.

Detailed studies of piscivorous species of fish should be undertaken to determine the extent of current predation rates on species of concern. Important taxonomic groups of piscivorous fish, aside from those discussed as species of concern, include suckers (important because of their predation on eggs), sculpins, centrarchids, burbot, catfish, perch, Dolly Varden, and whitefish. Information on populations and distribution of piscivorous and native fish should also be collected to provide a baseline for comparison of the post-project conditions.

The following accounts of species of concern to the Service are based on information from the Hanford Reach. Therefore, the accounts for species that lack information from the Hanford (largemouth bass and walleye) are relatively brief.

Great Columbia River Spire Snail (*Lithoglyphus columbianus*) and Giant Columbia River Limpet (*Fisherola nuttalli*)

The great Columbia River spire snail and giant Columbia River limpet appear to have a very limited distribution and are candidate species for listing by the Fish and Wildlife Service as threatened or endangered species. Spire snails are presently only known to exist in the Hanford Reach of the Columbia River. Limpets are known to occur in the Hanford Reach as well as in one other locale (estimated to include a continuous 24.5-mile segment) in the Snake River in Idaho (Taylor 1982).

There have been no surveys to determine the status of spire snails or limpets in the Hanford Reach. Their presence was documented by A.H. Clarke in 1976, based on a general reconnaissance of the Hanford Reach (personal communication with Dennis Dauble). Spire snails have also been found in mountain whitefish stomachs (personal communication with Dennis Dauble). Incidental data on snails collected by Battelle during various studies indicated these species are distributed throughout the river (personal communication with Duane Neitzel).

Taylor (1982) provides an overview of information that is available for these two species, including a survey undertaken by him on the Snake River and some tributaries. All living specimens of the giant Columbia River limpet in Idaho have been found on boulders or large cobbles in rapids of the Snake River. Depth was not considered important so long as a site provided oxygenated water, rocks too large for movement by the river, and protection from siltation. However, due to sampling limitations, surveys by Taylor were limited to less than 3 feet of water. Pebble/gravel riffles are considered unsuitable, due to the tendency for this type of substrate to move. The limpet lacks a lung or gill and respiration is undertaken through a vascularized mantle. Therefore, well-oxygenated and clean and swiftly moving water is necessary for this species to meet its respiration requirements.

Coutant and Becker (1970) provided some indication of habitat requirements for limpets in the Columbia River during a study of the effects of reactor-warmed water on limpet growth. This study indicated that current speed, amount of algal growth on rocks (food), and microenvironment temperatures near the shoreline during low water periods influenced growth to a greater extent than did differences in river temperature. None of these factors were measured during their study.

Taylor (1982) did not find any spire snails in Idaho. He points out this snail was assumed extinct in Idaho by 1981. However, he suggested the lack of observation by him and other investigators was due to the relative difficulty of sampling spire snail habitat. Based on the historical distribution, this species was restricted to moderate-to-swift deep water areas of large rivers. Spire snails occurred on granite boulders in moderate current along the edge of the Payette River in 1959 (Taylor 1982).

Deepening the river channel will affect all three factors (current speed, amount of algal growth on rocks, and microenvironment temperatures near the shoreline) that Coutant and Becker (1970) suggested might influence limpet growth. Since spire snails are thought to occupy deeper water, the impacts on shoreline habitat would probably not affect this species. In addition, the project may alter substrate size, which must be large enough to offer a stable surface for attachment by these species.

Detailed life history studies of the limpet and spire snail are necessary to identify critical habitat requirements for these two species. Intensive surveys are also necessary to identify their current distribution and population in the Hanford Reach.

These two species are candidates (category 2) for federal listing as endangered or threatened. This status indicates there is not conclusive data on biological vulnerability and/or threats in the Service's possession to warrant listing the species as endangered or threatened. One purpose for the candidate list is to encourage the necessary research on vulnerability and/or threats for these taxa.

It would therefore facilitate environmental review of this project if status surveys were conducted throughout the historic range of these species. Information from the surveys would be used to identify the relative importance of these two species' populations in the Hanford Reach, and whether listing is warranted.

Smallmouth Bass (*Micropterus dolomieui*)

Smallmouth bass were introduced into the Yakima River in 1925 and spread into the Columbia River. By 1950, they were plentiful enough to be used as stock for transplantation back into the Yakima River (Fickeisen et al. 1980). Smallmouth bass are currently distributed throughout the Hanford Reach.

Smallmouth bass have been studied in more detail than most other fish species in the Hanford Reach. Studies of smallmouth bass behavior, production, and movement were initiated in 1975 by Battelle. Results from 1976 and 1977 have been published (Montgomery et al. 1980). Henderson and Foster (1956 in Montgomery et al. 1980) also conducted studies of smallmouth bass in the Hanford Reach.

Based on the work done by Montgomery et al. (1980), Fickeisen (1980) indicates probable smallmouth bass spawning and rearing areas are distributed throughout the Hanford Reach. Three of these areas (Hanford Slough, 100-F Slough, and White Bluffs Slough) were studied by Montgomery et al. (1980) and spawning/ rearing was observed. The other spawning/rearing locations are based on the presence of apparent suitable habitat. Suitable substrate (gravel and rock) for nest construction, slow currents and warmer water are conditions thought to be conducive to successful smallmouth bass nesting.

Adult bass enter sloughs in mid-March as water temperatures increase. Spawning normally occurs from April through July, although gravid females have been collected in mid-August (Montgomery 1980). The peak egg hatch is usually complete by mid-June. The adult males often guard the brood for several days after emergence.

Spawning success appears to be extremely variable in the Hanford Reach, due largely to seasonal water regimes in the Columbia River during the spawning period and to interseasonal fluctuations in flow levels from hydroelectric generation at Priest Rapids Dam. Montgomery et al. (1980) observed poor spawning success during 1976, when high spring flows persisted. Significant numbers of fry (50,000-70,000) were produced in his study sloughs during 1977 when water levels during spring were low and slough areas relatively warm. 100F-Slough had the highest success (30,000-40,000 fry), which was attributed to it being separated from the Columbia River during the spawning season. It therefore was not subjected to daily water fluctuations. However, bass spawning at White Bluffs and Hanford sloughs was subjected to mainstem fluctuations and still produced an estimated 10,000-15,000 fry each. Henderson and Foster (1956) noted that bass spawning at Hanford was very poor in 1951, 1952, and 1953, due to fluctuating water stages and temperatures during the spawning season.

Adults begin to move out of the sloughs in August and into deeper portions of the Columbia River after spawning (Montgomery et al. 1980). White Bluffs Slough is adjacent to a deep pool (6-16.5 meters) on the Columbia River and bass tend to remain in this area. Hanford Slough is adjacent to a shallow, fast-flowing section of river and bass tended to disperse downstream. Slackwater areas and greater depths exist about 3.2-3.8 km below Hanford Slough and some bass traveled to and remained in this area after spawning. Some bass were found to move over 60 km downstream.

Project-induced impacts to smallmouth bass would relate primarily to habaitat alteration. Spawning/rearing habitat may be reduced by the salmon mitigation efforts. Sloughs used by bass for spawning and rearing may be converted to salmon spawning channels, thus making these areas unsuitable for spawning. Deepening the mainstem channel will lower the water levels in the river and may lead to increased stranding and/or entrapment of bass fry and adults in sloughs and shallow shoreline areas. This would also reduce spawning habitat. Deepening would also reduce the number of mainstem pools that are utilized by adult bass. Uneven bottoms, which promote current variations (i.e., eddies) would be leveled and probably lead to undesirable current velocities for bass throughout the dredged channel.

Additional information is necessary to quantify and qualify adult bass habitat in the Hanford Reach. Detailed studies of this species should emphasize interactions (i.e., predation) with other species of concern, especially chinook salmon.

White Sturgeon (*Acipenser transmontanus*)

White sturgeon were known to migrate as far as the upper reaches of the Columbia River in Canada before the construction of dams. They are now known to commonly occur only as far upstream as Priest Rapids Dam on the Columbia River. The Hanford Reach and below Bonneville Dam are the only areas of the Columbia that are currently thought to provide suitable spawning habitat (Mullan 1986).

Dam operations in the Columbia River have changed hydrological conditions necessary for egg incubation, rearing of young, and prey production (Coon et al. 1977). Dams have blocked access to spawning habitat. The existing fish ladders are not designed for bottom-oriented species and are ineffective for sturgeon. At Bonneville Dam, about 11 sturgeon per year passed through fish ladders from 1938-1959 (Donaldson 1960 in Nigro 1986). In addition, Nigro (1986) suggests few upstream migrants enter the navigation locks. Therefore the populations above Bonneville are essentially landlocked although downstream movement by young may occur.

There has been little work done on the white sturgeon in the Hanford Reach. The only study to date in the Reach has involved monitoring the seasonal movements of adults with radio telemetry equipment (Haynes et al. 1978). Sturgeon were found to utilize the entire Reach. White sturgeon were also collected periodically between 1973 and 1978 by Gray and Dauble (1976 in Fickeisen et al. 1980) at opposite ends of the Hanford Reach (River Mile (RM) 382 and RM 345).

White sturgeon have a large distribution, and information from outside the Hanford Reach, including Russia, is available to aid in determining the habitat requirements of this species. Sturgeon require free flowing river reaches for spawning and rearing (Scott and Crossman 1973, in Nigro 1986; Coon et al. 1977, in Nigro 1986). Coon found that sturgeon avoid slack water and prefer rocky bottoms in swift currents near rapids and waterfalls for spawning. Classen (1931, in Nigro 1986) found that sturgeon require muddy turbulent water for successful spawning because mud helps prevent clumping of eggs and turbulence allows proper aeration. Sturgeon eggs are demersal and adhesive and hatch in 1-2 weeks, depending on water temperature. Fry use shallow bays with slow current.

There is no documentation of sturgeon spawning in the Hanford Reach. However, based on habitat requirements in other rivers, Fickeisen et al. (1980) indicates probable spawning and rearing areas are dispersed over the entire Reach. The size of sturgeon collected between 1973 and 198 by Gray and Dauble (1979, in

Fickeisen 1980) also indicates spawning probably occurs. Sturgeon collected during this period ranged in size from 45 cm to 148 cm long. In addition, D.G. Watson (in Fickeisen 1980) observed an approximately 20-cm. sturgeon near Wooded Island. It takes about 5 years for a sturgeon to reach 51 cm.

Sturgeon are long lived and have a high fat/lipid content. Therefore they are susceptible to the accumulation of contaminants in their tissue. Some of the contaminants found in sturgeon tissue have been shown, in minute levels, to decrease egg, sperm and zygote viability (Bosely and Gately 1981 in Nigro, 1986).

There is currently an interagency effort being undertaken to study the life history, population dynamics, stock assessment, habitat requirements and reproductive biology of the white sturgeon in the Columbia River downstream from McNary Dam (Nigro 1986). This study is part of an extensive white sturgeon research program being funded by Bonneville Power Administration, to determine the impacts of development and operation of the hydroelectric power system.

A significant sport fishery for white sturgeon exists in the Hanford Reach (personal communication, Steve Jackson). However, no estimates are currently available for harvest or recreational benefit provided by this species. Sturgeon produced in the Hanford Reach may also contribute substantially to the sport and commercial harvest in downstream areas.

The loss of turbulent water due to deepening of the channel and leveling of the river bottom would probably significantly decrease the amount of spawning habitat. Of the spawning that would continue to occur in these areas, there would probably be a high egg mortality rate due to lack of aeration. The eggs would also be more prone to movement due to swift downstream currents. Dredging operations may directly impact sturgeon eggs if done during the spawning season.

Fry use shallow bays with slow currents. This habitat would be impacted by salmon mitigation efforts and channel deepening, which would lower water elevations along the shoreline.

Re-suspension and release of contaminants associated with dredged material may impact sturgeon, given their susceptibility to the accumulation of contaminants.

Impacts to sturgeon in the Hanford Reach may have implications to the entire Columbia River population. The Hanford Reach may contain the best and possibly the only significant sturgeon spawning habitat left in the Columbia River. Therefore, loss of sturgeon spawning habitat in the Hanford Reach could impact recruitment to downstream populations.

A study similar to the one being conducted below McNary by Nigro (1986) for BPA should be undertaken in the Hanford Reach.

Steelhead Trout (*Salmo gairdneri*)

Little is known about the quality and quantity of steelhead spawning, rearing, and adult holding habitat in the Hanford Reach. Aerial surveys, the most practical and relatively inexpensive method to survey large areas for redds, is ineffective for steelhead, due to the high turbidity levels present in the Columbia River during the spawning period.

There is some indication that significant steelhead spawning does occur in the Hanford Reach. Aerial surveys conducted in 1970 and 1971 indicated steelhead were spawning from Ringhold to Priest Rapids (Watson 1973, personal communication with Tony Eldridge). Reduced flows allowed for a partial aerial survey of the Reach during those years. Dam counts have also been used in the past to assess the amount of steelhead spawning in the Hanford Reach. From 1962 to 1971 an average of about 35,000 steelhead passed McNary Dam and did not pass Priest Rapids Dam on the Columbia River or Ice Harbor Dam on the Snake River. Watson estimated 10,000 of these steelhead are potential spawners in the Hanford Reach, after taking into account reductions due to migration into the Yakima and Walla Walla rivers, sports catch, and natural mortality. Counts in 1986 indicated 193,481 steelhead passed McNary Dam. During this same year, 26,788 fewer steelhead were observed to pass Ice Harbor and Priest Rapids Dam. Other evidence of spawning is provided by Gray and Dauble (1976 in Fickeisen 1980). They have collected gravid and ripe females in late April and early May and spent males in August in the Hanford Reach.

Recent evidence indicates that hatching success is low if steelhead are spawning in significant numbers. No young of the year steelhead were captured during a study from 1980 to 1982 of juvenile chinook and their predators (personal communicationl, Dennis Rondorf). This study involved several capture techniques in McNary Reservoir about 15 miles downstream of the Hanford Reach. Capture techniques, although designed for juvenile chinook, were probably adequate to catch some steelhead juveniles if they had been present (personal communication with Dennis Rondorf). Gray and Dauble conducted aquatic ecological studies from 1973 to 1978 in the Hanford Reach (personal communication with Dennis Dauble). Fish survey methods involved the use of a 1.5 meter-squared phyke net with 1/4-inch bag the first year, and 1/8-inch mesh bag the second year. A 1/8-inch mesh seine was also used during this period. No young of the year steelhead were captured. A few smolts were captured but hatchery markings indicated most of these fish were not native.

The Hanford Reach also serves as an adult holding area and a juvenile and adult migration corridor. Adult steelhead trout show peaks of migration but a large population is present all year (Fickeisen 1980). These include steelhead that are holding, passing through, or will eventually spawn or have spawned in the Reach. The peak movement of adult steelhead over McNary Dam and Priest Rapids Dam is in August and September. However, more adult steelhead pass over Priest Rapids Dam and Ice Harbor Dam on the Snake River in October, April and May than over McNary Dam. Watson (1973) suggests this is due to the holdover of some adults in the Hanford Reach before continuing their upstream migration.

Based on gatewell sampling at Priest Rapids Dam, juvenile out-migration passage through the dam generally occurs from mid-April to early July with a peak in May (Weitkamp and McEntee 1982 in Becker 1985). This is also the time period that smolts have been collected in the Hanford Reach (Gray et al. 1976 in Becker 1985). As many as 400,000 smolts have been estimated to pass Priest Rapids Dam annually between 1965 and 1982. In addition, Ringold Rearing Ponds released from 146,000 to 210,000 smolts annually in the Hanford Reach from 1980 to 1984, usually in April and May.

Steelhead provide a significant sports fishery in the Hanford Reach (personal communication with Steve Jackson). However, no information is available to quantify the use.

A significant loss of steelhead spawning habitat would probably be associated with deepening of the channel as a result of changes in substrate, velocity and depth. In addition to potential impacts to suitable spawning habitat, the increased depths and swifter currents may preclude the use of these areas by adult steelhead.

Not enough is known about juvenile rearing habitat in the Hanford Reach to discuss potential impacts to this age class of steelhead.

Intensive spawning surveys, similar to the ones conducted for salmon by NMFS, should be done for steelhead. In addition, data to determine habitat requirements for spawning, juvenile rearing and adult holding in the Hanford Reach needs to be collected.

Mountain Whitefish (*Prosopium williamsoni*)

No specific studies have been done on mountain whitefish in the Hanford Reach. Fickeisen et al. (1980) provides a summary of information Battelle has collected on this species during years of ecology studies at Hanford.

Mountain whitefish are found throughout the Reach all year, with peak abundance noted from October through January. All age classes are represented except fry between 3 months old and 1 year. Fickeisen et al. (1980) suggests these age fish move downstream to McNary Reservoir.

Spawning occurs annually from late November through January. There is an apparent tendency by spawning whitefish to move upstream to spawn. This may explain why large numbers of whitefish are found a few miles below Priest Rapids Dam during the winter months. Before construction of Priest Rapids Dam, mountain whitefish from the Hanford Reach were known to migrate at least as far as Crab Creek in Grant County.

Specific spawning sites at Hanford have not been documented. Based on studies done in other areas, Fickeisen et al. (1980) identifies potential spawning areas throughout the Hanford Reach. The areas were identified as potential spawning areas based on the presence of uniform flow, depths of 1-2 meters, and a substrate ranging from gravel to coarse rubble. These habitat characteristics were selected based on work done in other areas. Brown (1952, in Fickeisen) found that whitefish spawn in gravel and rubble areas of streams. His study streams were tributaries of the Columbia River. Thompson and Davies (1976 in Fickeisen) found spawning substrate varied from 5-30 cm in diameter. Eggs were found by Brown (1952) to be deposited in areas adjacent to strong currents at water depths from 0.1 m to 1.2 m Depths of 30-64 cm and water velocities of 1.0 m/sec were found at whitefish spawning sites by Thompson and Davies (1976).

Adult whitefish use habitat ranging from nearshore riffle areas to deep pools out of the main current. Following emergence in early April or May, fry are found in shallow nearshore pools with a mixed mud-rubble substrate adjacent to areas of strong current and throughout backwater areas. Probable rearing areas have been mapped by Fickeisen *et al.* 1980) and are scattered throughout the Reach.

Dredging will probably eliminate significant spawning habitat for whitefish, especially at Coyote Rapids and above Vernita Bridge. Even the proposed minimum dredging depth of 9 feet is unsuitable for whitefish spawning habitat based on available information. Fry and adult habitat would also be impacted, but it is not known to what degree. Both age classes tend to avoid swift currents in the main channel. Therefore the area that would be occupied by the dredged channel represents a total loss of whitefish habitat that is currently present. Water levels in shallow nearshore pools used by fry may be lowered or the pools actually isolated from the main river by channel deepening.

Baseline studies are needed for this species to identify habitat requirements for all life stages and spawning in the Hanford Reach.

Sandroller (*Percopsis transmontana*)

The sandroller is of special concern to the Service due to its limited distribution. The State has classified it as a proposed monitor species.

It is endemic to the Columbia River system but is currently found in a relatively small portion of the basin. The Willamette River basin is the only portion of the Columbia River system where the sandroller is known to have a wide-spread distribution. It has not been found above Priest Rapids Dam on the Columbia, and is known from only two areas on the Snake River.

The lack of knowledge of the sandroller is probably at least partly attributable to its secretive daytime behavior. Most observations of sandrollers have been at night. The species was considered abundant during night scuba surveys in the Hanford Reach (Gray and Dauble 1979). They were observed in shallow sand depressions at water depths to about 4 meters. None were observed during the day. Wydoski and Whitney (1979) indicate this species uses debris, tree roots and undercut banks for cover in quiet backwaters during the day. Spawning habitat has not been identified in the Hanford Reach.

Not enough is known about this species to identify impacts from the project. It appears the most likely impacts to this species would be associated with changes to backwater and shoreline areas. This would include conversion of sloughs into salmon spawning channels and lowering of water levels associated with channel deepening.

A detailed life history study concentrating on habitat requirements for all life stages is necessary for this species.

In addition to the fish species already discussed, walleye and largemouth bass have a significant sport fishery value in the Hanford Reach (personal communication with Steve Jackson) and are species of concern from this regard.

No work has been published for either of these species in the Hanford Reach. Studies should be undertaken to determine habitat requirements for both species. Information on populations and distribution should also be collected to provide a baseline for comparison of the post-project conditions. As introduced piscivorous fish, it is important to conduct predation studies of these two species to determine their present and future (i.e., with the project) impacts on other species of concern.

Wildlife and Terrestrial Resources

Wildlife and plant species of concern to the Service are numerous in the Hanford Reach. These include endangered, threatened, and candidate species (Attachment A), white pelican, waterfowl (especially Canada geese), and colony nesters such as Forster's tern, black-crowned night heron, great blue heron, and several gull species.

Several habitat types in the Hanford Reach are of concern to the Service, due to their ecological importance (see the earlier discussion on ecosystem values) and use by the species listed in the previous paragraph. These habitat types can be generally classified as shrub-steppe, riverine (includes river channel to the highwater mark), riparian, and island. The relatively undisturbed nature of these habitat types, their uniqueness, and the fact they are all found in one area contribute to their ecological importance.

Many of these species of concern primarily use the shrub-steppe ecosystem. These include the Swainson's hawk, ferruginous hawk, long-billed curlew, western sage grouse, Columbia milk-vetch, and Hoover's desert-parsley.

Impacts to these species and the shrub-steppe habitat they depend on could occur from construction of the port sites. Access roads to various project work sites, such as the salmon spawning channels and port sites, also have the potential to significantly impact wildlife of concern and shrub-steppe habitat. Dredge spoils would probably represent a significant impact if deposited in shrub-steppe habitat.

Islands in the Hanford Reach provide habitat for a number of species of concern, including colony nesters, Canada geese, long-billed curlews and waterfowl. They provide valuable nesting habitat for most of these species, due to a minimal amount of disturbance from humans and mammalian predators. This lack of disturbance benefits mule deer that use the island during fawning. Islands also provide riparian and riverine shoreline habitat and the values associated with these habitat types.

Potential project impacts to island habitat appear to be mainly associated with deepening of the river channel. This action may lead to increased island erosion as discussed under general impacts. Significant habitat destruction may occur if dredge spoils are placed on islands.

Riparian and riverine habitat (including backwater areas) in the Hanford Reach provide valuable habitat for many wildlife species. Payne et al. (1975) observed considerable use of riparian habitat by pheasant. Brooks (1984) conducted a study of shoreline habitats of the Reach and provides the following information. Forty-six species were observed in willow habitat. Willows act as a food trap for waterfowl and shorebirds. Mallards were often seen feeding on surface detritus in the slower currents around partially submerged willows. Shorebirds fed around willow bases when water levels were shallow. Forty-nine species were observed using grass habitat. Terrestrial and aquatic insects were found to be numerous in this zone, especially caddis flies and midges. Waterfowl were abundant in the habitat during highwater, feeding on plants and water surface detritus. Shorebirds feed on trapped aquatic life and passerines feed on insects and seeds along the moist edge of this zone.

Brooks (1987) observed killdeer and morning dove nests within one meter of the high water level. Spotted sandpipers have been observed nesting close to the water level in the Hanford Reach (personal communication with Dick Fitzner). Although the nest was not located, a common loon with young was observed in the Hanford Reach by Brooks (1984). This species usually nests close to the water.

Increased erosion from barge wakes and changes in river hydraulics may impact riverine shoreline and riparian habitat. Deepening the channel may also change water regimes, resulting in shallower water or no water along shoreline and riparian areas. Nesters in these habitat types could be directly impacted by inundation from barge wakes.

Wildlife species of concern that utilize the riverine, riparian and island habitats are most likely to be impacted by the project. These include long-billed curlews, Forster's tern, several gull species, herons, waterfowl, and white pelicans. These species are discussed in the following paragraphs.

Long-billed curlews nest in scattered groups throughout the Hanford Reservation and Wahluke Slope (Fitzner 1978). They are also known to nest on the Saddle Mountain National Wildlife Refuge. The total for these areas was approximately 300 birds during the 1976 and 1977 breeding season. About 100 of these birds occurred west of the Columbia River. The preferred habitat for nesting is upland areas predominated by grass cover.

Islands in the Hanford Reach are not currently being used as nesting habitat by curlews. However, they are important as feeding and loafing sites. Island 3 serves as a major staging area before migration from the area in July.

Potential project impacts to curlews could occur from port site locations and project-related access roads through upland areas. The potential loss of island habitat, especially Island 3, from increased erosion would represent a significant impact.

Forster's tern colonies are located on the upstream end of Islands 18 and 19 in the Hanford Reach. During the spring, Island 18 is split in two and the colonies are located at the upstream end of these islands. During the 1985 nesting season, 81, 71, 27 nests were observed on Islands 18-upstream, 18-downstrean, and 19, respectively (Hall, 1985).

Hall (1985) indicates nests were located just above the high water mark on the islands. Brooks (1984) found Forster's tern nests at an approximate elevation of 105 meters above sea level during 1982. Surges from Priest Rapids Dam surpassed this 19 times during June and July.

Terns formerly nested at two other sites along the Hanford Reach. Hall indicates Island 20 was utilized for nesting by terns until 1984. They have not been observed since this time. Hall suggested the expansion of the gull colony on this island as a reason for the loss of this colony. Forster's terns also nested (50 nests) in marsh habitat on Wahluke Slope as recently as 1983.

The tern island colonies are of special interest since marsh habitat, as found at Wahluke Slope, is the more common type of habitat used by nesting terns. In addition, the Hanford tern population represents about 20 percent of the nesting Forster's tern colonies in Washington State.

In addition to Forster's terns, there are several other colony nesting species in the Hanford Reach. Recent information on these species is lacking. In an effort to confirm the siting of a nesting glaucous-winged gull on island 18 in the Hanford Reach, Fitzner (1982) provides estimates of other colony nesters on this island. These included 3000 pairs of California gulls, 2800 pairs of ring-billed gulls, and 85 pairs of Forster's terns. One glaucous-winged gull nest was found on the island and the adult was photographed. There was no follow-up to determine the success of the nesting effort. This is the only conclusive nesting attempt by this species east of the Cascades.

Riparian colony nesters are represented in the Hanford Reach by black-crowned night herons and great blue herons. In 1974, approximately 20 pairs of black-crowned night herons nested in the mulberry trees on Locke Island and 100 pairs of great blue herons nested in cottonwoods at RM 363.

Disturbance from barge traffic is one potential project impact that may occur to colony nesters, especially to the species using islands. Entire colonies tend to leave their nests in response to a portion of the colony being disturbed. This leaves the eggs vulnerable to predation. Wakes from passing barges may also inundate the low elevation nests of Forster's tern and glaucous-winged gull nest. Loss of island and riparian habitat through project-related erosional processes (i.e., barge wakes and changes to river hydraulics from dredging) would impact colony nesters.

A large number of waterfowl use the Hanford Reach as a feeding and resting area. This area is surveyed monthly by the U.S. Fish and Wildlife Service during the peak waterfowl use period from October to January. During the 1987/1988 survey the peak number observed in the Hanford Reach was 48,105 in January.

Waterfowl are not evenly distributed over the reach. During one study, 96% (17,185) of the wintering waterfowl along the Hanford Reach were observed between RM 365 and 370, and 3% (590) were observed between RM 350 and 355 (Payne et al. 1975). These segments of the Hanford Reach are characterized by an abundance of sloughs and shallow water areas near islands and the majority of observations of waterfowl were in these habitat types. Observations by Service personnel during waterfowl surveys also indicate a preference for this habitat type (personal comment by John Annear). However, general observations during Service waterfowl surveys indicate groups of waterfowl are dispersed throughout the Reach, especially when sloughs and adjacent wetlands freeze.

Much larger numbers of waterfowl were observed on the Hanford Reach in the past. The 8-year mean maximum for winters between 1961 and 1969 on the Hanford segment is 250,000 ducks (Payne et al 1975). By 1975, counts were down to 18,032. Changes in the type of crops grown on adjacent farmlands is thought to be partly responsible for the decrease in recent years. In addition, favored crops have been increased in the Umatilla area and this has probably further attracted waterfowl from the Hanford Reach area.

The major potential impact to waterfowl is probably disturbance by barge traffic during the fall and winter. This is especially true during the hunting season when much of the Reach is closed to hunting and fishing to minimize disturbance to waterfowl. The Reach and wetlands on Saddle Mountain National Wildlife Refuge are the only large areas along the Columbia River from Richland to Wanapum Dam that do provide protection to waterfowl from major disturbances.

There have been several nesting studies done on Canada geese in the Hanford Reach (Hanson and Eberhardt 1971; Ball et al 1981; Dewaard 1981). In addition, nest surveys have been conducted on the Reach annually since 1953. One investigator has conducted studies of the ecology of Canada goose broods (Eberhardt 1987).

Canada geese nest on islands throughout the Reach. The highest number of nests observed was 303 in 1958. Between 1970 and 1980 the number of nests has ranged from a low of 108 in 1975 to a high of 154 in 1980 (Dewaard 1981). Of the 154 nests in 1980, 150 were observed on islands 1,2,9,11,12,15,17,18,19 and 20. Over 90% of the nests in the Hanford Reach were located on these islands between 1970 and 1980.

Attempts to increase the nesting population have had little success (Dewaard 1981). Fiberglass shell nesting platforms were placed on islands 1,2,3,6,9 and 19 and along the riverbank adjacent to and downstream of island 6. Only 10 nests have been recorded in these platforms between 1970 and 1980 and 6 of those nests occurred on island 9 platforms. Riverbank platforms were not utilized during this time period.

Coyote predation is thought to be the reason for the almost total elimination of nesting on other islands. Dewaard (1981) describes how seasonal flows in the Hanford Reach changed dramatically about 1970. The normal high flows during the spring freshet were reduced by upstream reservoir manipulation. This made access to islands easier for coyotes, as evidenced by an increase in sign and direct observation on some islands.

There is evidence that some Canada geese are fairly intolerable to disturbance during nesting. People fishing along the shorelines across from island 12 were apparently the cause of an 81% nest abandonment rate in 1980.

Areas used by broods are distributed throughout the Reach (Eberhardt 1987). Preferred brood habitat is within 5 meters of the water on islands, backwaters, or along the mainstem shoreline.

Potential project impacts include the loss of island nesting habitat if erosion increases. There will probably be some degree of disturbance to nesting geese and to broods from barge traffic. This may include nest abandonment as described for island 12 above. Although nesting geese on the lower Columbia are not thought to be impacted by barge traffic, the population on the Hanford Reach may respond differently. The Hanford population has never been subjected to large vessels and barges will be passing much closer to the islands given the relatively narrow channels present. Barge wakes could inundate goose nests along the shoreline.

Other water-dependent birds of special interest to the Service that use the Hanford Reach during the winter are white pelicans. Approximately 12 white pelicans have been observed annually on the Reach in recent years (Personal comment, Dick Fitzner).

CONCLUSION

The Service has been and continues to be critical of the Mid-Columbia Navigation Project, and of any other project that would significantly impact fish and wildlife resources of the Hanford Reach. In our view, the impacts to the ecosystem and species of concern from dredging, maintenance and commercial use of a navigation channel through the Reach are of such concern that mitigation is not feasible. The preliminary effort by the Corps to consider mitigation for a single species, chinook salmon, has raised serious concerns about the possibilities for success, the scale of effort needed to fully mitigate for the species, and the possible adverse impacts to other species of concern.

If the Corps elects to continue planning for this project. we urge that you call an interagency meeting in the near future to further identify and refine baseline wildlife and fish study needs.

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LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR WITHIN THE AREA OF THE PROPOSED HANFORD REACH PORTION OF THE MIDDLE COLUMBIA NAVIGATION PROJECT, RICHLAND NORTHERN CITY LIMITS TO PRIEST RAPIDS DAM, WASHINGTON
(Benton, Franklin and Grant Counties)

1-3-88-F-16

LISTED

Bald eagle (Haliaeetus leucocephalus) - The Columbia River through the Hanford Reservation is a winter concentration area for bald eagles. They may occur in the area from about October 31 through March 31.

Peregrine falcon (*Falco peregrinus*) - Peregrines may occur in the project area during the fall.

PROPOSED

None

CANDIDATE

The following candidate bird species nest on the site:

Swainson's hawk (*Buteo swainsoni*)
Ferruginous hawk (*Buteo regalis*)
Long-billed curlew (*Numenius americanus*)
Western sage grouse (*Centrocercus urophasianus phaios*)-
resident

Two candidate invertebrate species occur in the Hanford Reach of the Columbia River:

Giant Columbia River limpet (*Fisherola nuttalli*)
Great Columbia River spire snail (*Lithoglyphus columbiana*)

The following candidate plant species have been identified on the reservation at the designated locations:

Columbia milk-vetch (*Astragalus columbianus*)
T13N R24E S9/11

Persistent sepal yellowcress (*Rorippa calycina columbiae*)
T13N R25E S2/6 T13N R26E S33/34
T13N R27E S25 T14N R27E S7/29

Hoover's desert parsley (*Lomatium tuberosum*)
T13N R25E S6

Attachment A

Rex Buck Jr.

WANAPUM INDIAN TRIBE
WANAPUM VILLAGE
P. O. Box 904 - Mattawa, Wa. 99304

Mr. N. Gilbrough
Project Coordinator
Department of the Army
Seattle District Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124

RE: Priest Rapids-Hanford Reach Barge Canal

Dear Sir:

The Wanapum Indian Tribe is strongly opposed to this project which will directly and indirectly adversely affect, endanger and infringe on our basic spiritual and religious practices, on our physical well-being and the land on which we have inhavited for thousands upon thousands of years.

This Project will destroy and impact our talus slope and other burial sites. The talus slope burials from time immemorial have served as the burial grounds for our ancestors...it is our deep spiritual and religious feeling that the burial grounds be not disturbed in any way!

Unfortunately, since the coming of the whiteman our burual grounds have been vandalized...they have been sold into private ownership without our knowledge, permission or even notification. We are determined that our remaining sacred, prehistoric talus burial slopes as our other burial sites be left untouched...that our venerale ancestors be left undisturbed - now and forever; for it is our strong, fundamental spiritual and religious belief that any disturbance of our loved ones will release their spirits to eternal turmoil and unrequited peace, to wander eternally lost.

Too, the shores, the hills and valleys of this area on which we have dwelt for centuries, have especially important meaning to the Wanapum People; its rocks, boulders and cliffs are an inegral part of our religious, spiritual and mythological heritage....to disturb them is to destroy the very nature of our spiritual beliefs and practices that we have held over the centuries.'

Also, it is along these very shores that Smohalla, the great Wanapum religious leader, established the tenets of the Indian religion that has spread to the Indian Tribes of Washington and the rest of the Northwest. The land he tread is holy to us and we do not wish to see it disturbed further.

Also, this Project will affect directly and indirectly, the Salmon and Steelhead that spawn in this very stretch of the Columbia River - fish that we use in our religious and spiritual ceremonies and for tribal sustenance and livelihood. This stretch of the Columbia River from Priest Rapids Dam to Locke Island in the Ringold area is the only and last remaining natural spawning ground of the natural "wild" Chinook Salmon on the entire stem of the Columbia River! Any Project that adversely affects this fragile spawning area reduces the number of salmon and steelhead must not be allowed. This highly critical spawning area can be adversely affected by river volume flow, water levels and critical water temperatures which will adverslay affect the survival and life cycle of the Salmon and Steelhead.

Too, for us the water of the River is ever-flowing, giving power and life to our spiritual wellbeing, was put there by our Creator...it is an integral part of our religious beliefs and we oppose its removal - we must see that no man assumes the roll of God to take these waters away from the river without returning them unharmed and pure.

Too, the Project will endanger and diminish our wildlife - the deer, the beaver, the coyote and others from canyon and hills which for centuries have been an important and meainingful part of our religious and spiritual mythology and sustenence.

For centuries past the Wanapums have used the desolate ruggedness, the quiet and the beauty of these hills and valleys with their talus slopes as a place for our "Vision Quests" which are an important and salient essential part of our spiritual and religious development. This isolation, beauty and quiet must be protected from a Project that will these characteristics so essential to the attanment of our religious fullfilment.

In this letter we have revealed more of our religious customs and beliefs than is our usual want. Our religious and spiritual beliefs are of a private, confidential nature...this privacy and our religious and spiritual beliefs are protected by the American Indian Freedom of Religion Act of 1978 and its subsequent court and administrative edicts.

We see no way in which the construction ~~of this~~ project, which severely restricts, curtails and jeopardizes the very existence of our religious and spiritual freedoms can be mitigated other than by its complete abandonment and cancellation.

Therefor, we the Wanapum People whose very religious and spiritual and everyday lives are imbedded for many past centuries in this Priest Rapids land affix our names to this petition urging the abandonment and cancellation of this project.

Dated: 12-26-86

Respectfully,

Rex Buck Jr.

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

Office of Public Archaeology
Engineering Annex, FM-12

December 15, 1986

Mr. R.P. Sellevold
Chief, Engineering Division
Department of the Army
Seattle District, Army Corps of Engineers
P.O. Box C-3755
Seattle, Washington 98124-2255

Dear Mr. Sellevold:

Thank you for your letter requesting comments on the proposed shallow-draft navigation on the Columbia River from Richland, Washington to Wenatchee, Washington. I have served as principal investigator on several archaeological projects along this reach of the Columbia during the past 8 years and am familiar with the kinds of cultural resources that occur there. These projects included an archaeological survey of the upper end of the McNary Reservoir (above Richland) sponsored by the Walla Walla District Corps of Engineers, an archaeological survey of the Priest Rapids Reservoir sponsored by the Grant County Utility District, and surveys of selected localities along the Rock Island Reservoir and Rocky Reach Reservoir for the Chelan County P.U.D. In the light of this familiarity, it is clear that the proposed project will raise substantial concerns regarding its impact to cultural resources. These concerns can be summarized under four main points:

1) Cultural resources are numerous and extensive on the river terraces bordering the Columbia River throughout virtually this entire reach. The majority of these sites are prehistoric villages and campsites occupied during the past 10,000 years but there are also sites of historic age relating to 19th century placer mining and ranching. Although a complete inventory of all cultural resource sites does not exist for the Columbia between Richland and Wenatchee, the total number of such sites would undoubtedly number in the hundreds.

2) Despite the scientific importance of the cultural resources of this region, it must be emphasized that very little scientific archaeology has been conducted here. The Hanford Reach is a "natural museum" for archaeology because it has been protected from relic collector impacts for

decades and because it is the last remaining section of the main-stem Columbia that has not been inundated. The result of these factors is that the archaeological record of this area is remarkably well preserved and offers scientific information no longer available in other areas of the Columbia Basin. Archaeological investigations of the Hanford Reach have been limited to minor exploratory efforts and, therefore, only minimal data are presently available for these resources. Since there was no archaeological mitigation done prior to the inundation of the Rock Island Reservoir, this section of the reach is virtually unknown. Although archaeological data recovery activities were undertaken prior to the completion of the Priest Rapids Dam, a recent post-inundation survey of this reservoir revealed many previously unidentified sites on higher river terraces. Sites not previously investigated here are now situated in or near the erosion zone of the reservoir.

3) The archaeological resources along the Columbia river between Pasco and Wenatchee are of cultural importance to the heritage of several different Native American groups. The general vicinity of the Priest Rapids area provides the approximate linguistic division between Salishan-speaking groups to the north and Sahaptin speakers to the south. Many Indians living on and off the reservations today are the descendents of the people who occupied this area of the Columbia Basin. There are also a number of Indians who themselves lived, fished, hunted and collected along sections of this reach during the first half of the 20th century. The archaeological and natural resources of this region are of considerable importance to these people.

4) Although the description of the proposed canal system emphasizes the reduced environmental impacts compared to earlier designs, the most profound impact to development of such a system for archaeological resources will probably not be construction but operation. In other words, the passage of barges up and down the river will result in impacts from shoreline erosion throughout much if not all of this entire reach. The effects of barge waves on archaeological sites along the lower Snake River have been quite destructive. For example, bank erosion related to barge passage necessitated extensive mitigative actions to protect Strawberry Island Village near Pasco. The nature and extent of bank erosion along the entire stretch between Pasco and Wenatchee could be greatly worsened if the proposed plan is implemented.

In general, the proposed project carries profound implications for a very significant portion of the remaining archaeological record. Adequate cultural resource mitigation of potential impacts of such a project will be quite costly and should be seriously examined in evaluating the cost effectiveness or desireabiity of a shallow-draft navigation system through this section of the Columbia.

Thanks again for the opportunity to comment on your plans for shallow-draft navigation on the Columbia River.

Sincerely,

Randall Schalk

Randall Schalk
Director

Senator EVANS. Thank you.
Ms. Lee.

STATEMENT OF JEANETTE LEE, CHAIRMAN, LEGISLATIVE COMMITTEE, YAKIMA INDIAN NATION

Ms. LEE. Good morning. It is an honor to be here this morning, Mr. Chairman.

My name is Jeanette Lee. I am chairman of the legislative committee for the Yakima Nation and a member of the fish and wildlife committee.

Senator EVANS. Could you pull the microphone a little closer?

Ms. LEE. I'm sorry. Thank you. It is an honor to be here today and bring forth concerns from my people.

One of the concerns is the fishery resource, which affects all people. The Hanford Reach is the last remaining natural and unmolested area.

Through the efforts of combined endeavors of Indian tribes, private groups, states, and Federal agencies and Congress, in supporting the U.S.-Canada Treaty, and the Northwest Power Act, we have seen the runs increase.

These fish greatly contribute to tribal, sport, and ocean commercial fisheries from Oregon to Alaska. The study bill that we are speaking of today would allow the Corps to continue, planning navigational channels, lobbying for construction of dams, and continuing plans for future dredging projects.

We request at this time that they be limited in that area, or not be funded at all. We believe the Hanford Reach should immediately be designated a scenic river.

We understand the concern of all people here, that if immediate designation is not possible we would urge the Committee to adopt an amendment to S. 1850, prohibiting the expenditure of any funds during the study period that would be inconsistent with eventual designation.

We further request the Committee to allow the tribe to be a study participant, since it affects our ceded area according to the Treaty of 1855, between the Yakimas and the United States.

I briefly summarized, and I appreciate the opportunity to be here today.

Senator EVANS. We thank you very much. Finally, Mr. Kent Olson, President of American Rivers, Inc.

STATEMENT OF W. KENT OLSON, PRESIDENT, AMERICAN RIVERS, INC.

Mr. OLSON. Thank you, Mr. Chairman. My remarks have been submitted, and I will summarize as well.

I am representing my organization, American Rivers, which is the Nation's principal river-saving organization, headquartered here in town, in Washington, and also today speaking on behalf of the American Canoe Association, the American Whitewater Affiliation, the Environmental Law Institute, the Environmental Policy Institute, and Isaac Walton League of America, the National Audubon Society, and the Wilderness Society.

There is a national context into which these bills fit today, that is that it is the 20th anniversary of the National Wild and Scenic Rivers System. The Act was passed in 1968, as many of you know.

Today, of some 3.2 million or 3.5 million miles of river in the United States, fewer than 8,000 miles enjoy protection in the system. That means that about two-tenths of a percent of all our river miles in the United States are protected, and 99.8 percent are not.

So we are going to, we hope, through these bills, add another 32 miles to the system, and with the Gauley designation another 24 under a certain kind of protection, and 57 miles will get studied.

Those are significant increases in the absolute number, and we hope they will be an inspiration to other states to consider wild and scenic for themselves.

The West Virginia bill would do something we think is quite significant, and that is to establish formally a recreation complex which is hardly rivaled anywhere else in the country, except perhaps out in the Colorado River, for whitewater and other kinds of recreation.

We hope that after the designation occurs, the River Management Plan on the Gauley would highlight the natural and wild values, and that it would be adopted to maintain its unique whitewater characteristics, because whitewater, adventure class whitewater in particular, is a rarity in the United States.

We also applaud the addition of the Meadow and the Bluestone Rivers to the National Wild and Scenic Rivers System, and we regret that a fifth river, the beautiful and pastoral Greenbrier, cannot also be offered protection under this bill.

But we understand the reasons why, and we hope that some day there will be a companion to the House bill, H.R. 900, which does in fact try to protect the Greenbrier.

There has been eloquent testimony provided already on the Columbia, and I would only like to add to the things that have been said that the Columbia appears on the list that American Rivers publishes each year, this year's 1988 list, of the 10 most endangered rivers in America.

And that means it is nationally significant for not only the fortunate reasons that have been described here but the unfortunate one that it is in imminent jeopardy.

Finally, let me talk about the Wildcat River, for which I have a special affection. I was once a voting resident of Pinkhams Grant, New Hampshire, which is just north of Jackson, one of five voters, in fact, that were registered up there.

And I was also director of the Appalachian Mountain Club HUD system, and I know the AMC has had a great deal to do with the study of the river with the National Park Service and the town of Jackson.

I think what is significant about this designation of the Wildcat Brook is that this is a ground up kind of occurrence. I think it is unusual in the, where democracy started in New England, in a place like New Hampshire where the town meeting is a sacred thing, to have over 439 voters in the town unanimously support a wild and scenic designation.

It really speaks to something that has happened, not because people got ideas in Washington, or ideas in Concord, New Hampshire, but because people got ideas in Jackson, New Hampshire.

As to the question that was raised by George Leonard of the Forest Service concerning why the Secretary of Agriculture should be involved in the management of the river, just let me say for the record that the reason that the town of Jackson originally sought methods to protect the Wildcat Brook included that there was a proposed development of hydroelectricity that was to have marred the waterfall which pours down through the town of Jackson and goes by the little stone bridge and the little white church.

And I think the town has recognized that the only thing that prevents that kind of development absolutely from going through forever is a wild and scenic designation. That is why the town has chosen this.

So it is very important that even though a great number of the river miles in the Wildcat Brook designation are on private land, that it be a Federal designation. Whether it is a Federal designation with a governor then coming in and asking for state jurisdiction over the river, we will just remain silent on.

In summary, this is the 20th anniversary of the National Wild and Scenic Rivers System. It is the least fulfilled of all of the Federal systems of resource protection.

I think it is terrific that we have three competing bills here, and I am hoping that the states involved here, West Virginia, Washington, and New Hampshire, will all vie with one another to see who is the first to designate a river in this the 20th year.

And to show you what is at stake here I just want to, I know this cannot go into the record but I would like to show everybody on the panel, and I will turn it around, this is a poster that has been got up by the National Park Service, the United States Forest Service, American Rivers and its many sponsors that celebrate the wild and scenic system. And that beautiful ribbon of light you see there is the Snake River.

Thank you very much.

[The prepared statement of Mr. Olson follows:]

TESTIMONY OF W. KENT OLSON, PRESIDENT
AMERICAN RIVERS, INC.

Before

The Senate Subcommittee on Public Lands,
National Parks and Forests

April 19, 1988

Concerning:

S.1720, The West Virginia National Interest Rivers Bill

S.1850, A Bill to Study the Hanford Reach of the Columbia River for inclusion in the Wild and Scenic Rivers System; and

S.1914, A Bill to include the Wildcat Brook in the National Wild and Scenic Rivers System

Testimony is also offered on behalf of:

Joyce Decot
American Canoe Association

Erik Meyers
Environmental Law Institute

David Dickson
Izaak Walton League of American

Steve Whitney
Wilderness Society

Risa Callaway
American Whitewater Affiliation

Brent Blackwelder
Environmental Policy Institute

Hope Babcock
National Audubon Society

Thank you Mr. Chairman. I am pleased to have this opportunity to testify before the Subcommittee today. My name is W. Kent Olson, and I am President and chief executive officer of American Rivers, the nation's principal riversaving organization. I am also offering testimony on behalf of the American Canoe Association, the American Whitewater Affiliation, the Environmenhtal Law Institute, the Environmental Policy Institute, the Izaak Walton League of America, the National Audubon Society, and the Wilderness Society.

Mr. Chairman we enthusiastically support enactment of all three of the river bills before the Subcommittee today. This is an outstanding group of rivers deserving of national protection, and each bill in its individual way is enormously important for the future of river conservation in America.

To begin with, when enacted, the West Virginia rivers bill will establish a whitewater recreation complex second perhaps only to the Grand Canyon. The concept of both strengthening the land resource management program for the New River Gorge -- the nation's oldest river and one of its most popular and challenging whitewater streams -- and adding three outstanding tributaries -- the Gauley, the Meadow, and the Bluestone -- to a protected status is brilliant and necessary. Now West Virginia and the nation will have a management grouping of eastern whitewater recreation rivers to rival any in the nation. There is no question that the Gauley river has long deserved national recognition. We see the designation of the Gauley as a national recreation area as wholly consistent with its natural values and flow schedule from the upstream Sommersville dam. We hope that, after designation, a river management plan which highlights the natural and wild values of the Gauley be adopted to maintain its unique wildwater characteristics. Moreover, we believe the Meadow and Bluestone Rivers are welcome additions to the National Wild and Scenic Rivers System. We only regret that a fifth river, the beautiful and pastoral Greenbrier, cannot also be offered protection under this bill, today. We do, however, understand the seriousness of local concerns opposed to designation of the Greenbrier and hope that at some future hearing when local concerns have been resolved we may return to this Subcommittee to support permanent protection of the Greenbrier as well.

Next, the prospect of studying the Hanford reach of the Columbia River as a potential component of the National Wild and Scenic Rivers System is as exciting as it is symbolic. Indeed the Hanford reach is the last remaining free-flowing segment of the mainstem of the mighty Columbia and as such should remain forever in that state. The Hanford reach exemplifies exactly what Congress intended to study and protect when it passed the Wild and Scenic Rivers Act in 1968. Indeed, on this the 20th anniversary of the national rivers system the Congress could make no more important gesture than to officially start the Hanford reach on its way to National Wild and Scenic Rivers System protection.

The proposed dredging of a major new shipping channel through this vestige of primitive America would be an American tragedy akin to shooting the last American Bison or filling in the wetland habitat of an endangered species. Unfortunately, the Hanford reach of the Columbia is just that! It is the first natural salmon spawning beds encountered on the long journey from the sea - an endangered remnant of the mighty and spectacular natural river that Lewis and Clark saw when they first crossed the mountains from the east. Lewis and Clark could not have known that the Columbia would one day be among the most tamed rivers in the nation and that a mere 57 miles would be all that remained. Mr. Chairman we urge the Subcommittee to support the study and protection of the Hanford reach of the Columbia.

Finally, the Wildcat Brook in New Hampshire may not have the exciting whitewater of the wild rivers of West Virginia or the powerful history of the Columbia. It does, however, have something just as important to the national cause of river protection. The Wildcat, a beautiful New England stream, flowing out of the White Mountain National Forest through private lands within the Town of Jackson has an incredible degree of local support. When the Wildcat study was completed, two notable events occurred on the same evening. First, a majority of the town residents voted to support the adoption of stringent new zoning laws to protect the river's natural features according to the Wild and Scenic Rivers Act, and second, the Town unanimously supported designation of the river as a component of the national Wild and Scenic Rivers System. Such local support is very rare in the conservation of natural resources and reflects a skillfully executed study approach by the National Park Service and the U.S. Forest Service. What happened on the Wildcat can happen across the nation and may breathe new life into the national rivers system. The success of the Wildcat effort comes from a commitment by both federal agencies to use the study process as a forum for developing a detailed management plan for the river. This meant that the local residents were not asked to buy off on a general promise their interests would not be compromised but rather a specific understanding of exactly how the river would be managed. Moreover, the plan embodies a local-federal program of cooperation that will be a model for years to come.

Mr. Chairman, for these reasons we are pleased to support all three of these bills. Thank you, and I will be pleased to answer any questions you may have.

Senator EVANS. Is that not yet dammed up?

Mr. OLSON. It is not dammed and not yet protected. [Laughter.]

Senator EVANS. Another bill. All right, we thank all of you for your testimony.

It seems to me that, first on the Columbia Hanford Reach, there have been several recommendations here for additions to the bill in terms of protection. They focus in somewhat different directions.

Let me start by reading the element of current law that is the only one that really focuses on the question of interim protection during a study period.

It says, the Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, power house, transmission line, or any other project works under the Federal Power Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise, in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the secretary responsible for its study or approval.

First, Ms. Smith, do you feel that that is inadequate protection in terms of the particular concerns here on the Columbia River?

Ms. SMITH. I think the precedent for how that has been applied in the past has been good. It appears that there has been strong enforcement of that section.

The difficulty on the Hanford Reach has been the insistence of the Seattle District of the Corps of Engineers to persist in a spawning demonstration project, claiming that the impact of that would be insignificant.

The Park Service has given them notice that indeed it would affect some of the values for which this river is being considered.

Their insistence on pursuing this is wasting the time and energy of citizens groups, state and Federal agencies, and Indian tribes, to continually point out to them that this is an inappropriate project and ill-conceived.

I think what we want to do is send a clear message to them that this type of activity is inappropriate during the study period.

Senator EVANS. It is my understanding that, currently at least, the Corps has withdrawn from proposing such a spawning demonstration project.

But the law as it is currently written probably is not terribly clear as it deals with that kind of a demonstration project, or something that might not be considered, by some at least, to be a water resources project per se, but merely a demonstration that would be part of a study plan.

So you are suggesting that a more specific proviso be put in there to prevent any such physical interruption with the river during the study period.

Ms. SMITH. That is correct.

Senator EVANS. First, Tim, you and Lonnie both suggested a somewhat different approach in terms of protection that, and let me get the exact wording.

In your statement you said, during the study period, expenditure of Federal funds for planning, study, or design of proposed development activities that would be contrary to the qualities of scenic river designation would be prohibited.

Now, that is aiming a little differently. One is on the physical intrusion on the river. You would suggest that no funds be made available even for studies or planning on the potential of anything that would be at variance with the scenic river concept.

Mr. WAPATO. That is correct. First of all, our fears are that, while the Corps has stopped the construction of the spawning channel, it is our understanding they have stopped it only for one year, and fully intend to move forward with that.

We have experience in the past of the Corps planning and designing something with study funds, with the end result that at the end of the two, four, six, or eight-year period, that it is then built.

So we think it should be studied for the scenic river designation, but it is not necessary to continue planning, designing, spawning channels, or dredging, et cetera. Federal funds should not be expended for that purpose, during this study.

Senator EVANS. One of the elements of study, for scenic river designation, I presume, is to examine the alternatives that are out there, first to determine whether it meets the various criteria for selection as a scenic river.

Presumably, there is also a desire to at least get information, or to find out what the consequences of that designation might be in terms of the economic use of the river in other ways.

Can that really be effectively done if we now prohibit the, as you say it, the Federal funds for planning, study, or design. I understand design, perhaps, but if you also prohibit planning or study funds, will we have adequate information?

Or will we reach the end of the three-year study period, have a report back on that designation, and still have controversy because we have never answered the question as to what alternatives there are?

Mr. WAPATO. I think we can study alternatives without providing Federal funds to plan, or study development. I think that is the context in which we are trying to put that.

Senator EVANS. Well, would that not then ban any further study of any kind on the economic feasibility of navigation? Would that not be included under development?

Mr. WAPATO. If it, as I understand it, entails dredging through that area, then it probably would.

If it entails planning and dredging through that area, then it would probably prohibit that type of planning. That would be our hope.

Senator EVANS. I see. George, you probably have a different idea.

Mr. SELLAR. Thank you, Mr. Chairman. It is hard for me to speak for the Corps of Engineers, obviously.

We have discussed this, and yes, that is correct, the plans for the demonstration project for spawning has been dropped. I do not believe there are any plans to revive it.

Certainly if some language in the bill prohibited the Spawning Demonstration Project during the course of the study, it appears to me that would be appropriate, if that made everybody more comfortable, because I do not think there are any plans to go ahead with that anyway.

Senator EVANS. So you would find no difficulty in a specific proposal for the eight-year protected period that we are talking about, that we be more specific in any physical intrusion into the river for purposes of studies or design, or in any other way the kind of economic use of the river?

Mr. **Sellar**. We would like to complete our economic study, and see whether it is feasible, or whether it is not.

Senator **Evans**. Well, now, that gets to what I want—to be very clear about proposals. I think that handles what Ms. Smith has proposed. I am not sure that it really does handle what either Tim Wapato or Lonnie Selam have suggested.

If you ban studies for design, I mean for planning or study, then presumably, if that were included in the legislation, we would have a study of the scenic potential, all of those words that are used to determine whether the river qualifies in terms of quality for scenic designation. However you would not be able to move ahead any further at all in looking at the alternative economic development of the river.

Mr. **Sellar**. Sounds like that would be the way that it would move. We would not like movement that way. But certainly any banning of the physical construction during that period of study, I think, is appropriate.

I think a study should be a study. You should look at all sides of things. You should not go into a study saying, we are just going to look at this or just look at that. I think everyone should have their opportunity to present their side to that study, and live by whatever comes out of it.

Senator **Evans**. Lonnie, would you like to comment? What is your aim? You had a similar proposal to that of Tim Wapato.

How would you judge legislation that would allow a continued study, with no physical intrusion on the river, but just a study of navigation or locks? You or Ms. Lee, if you want to speak to that.

Mr. **Selam**. I agree with Tim. The way we understand it, is that the study has been pulled back for a period of one year.

On the cultural aspect of it, I would have to rely on my elders' teachings that everything remain natural along the river. As far as study, I know that whole river has been constantly studied by archaeologists and anthropologists. I know the records are all over the place. Maybe Jeanette or Tim could add to it a little bit more.

Senator **Evans**. Well, Tim, do you——

Mr. **Wapato**. Just one last thought, I guess.

Senator **Evans**. Yes.

Mr. **Wapato**. We feel, and as I understand the Yakima does, that the river qualifies now immediately.

Senator **Evans**. Right.

Mr. **Wapato**. The studies have been done, it has been studied at least since 1804 by non-Indians. And we think that each study has gradually lessened or has lessened the available spawning area.

First we get a study, and then we get a development. I think what we are saying is that this river and this segment qualifies for immediate designation, but we understand the political reality that that may not occur.

That is why we are looking for something that does not predetermine where this study is headed. Maybe we are saying it is predetermined, there will not be development. But we have a great fear that the study will build into it things that then lead—you know, you are doing an economic and benefit analysis based only starting in 1988, what happens on that river.

Usually the economic analysis, that type starting, without going clear back, works only to the detriment of the fish and to the detriment of the tribes.

Senator **Evans**. In order to ensure that we had opportunity for full a presentation by this panel, I did not pursue oral questioning of the Corps of Engineers.

But we have a long list of questions we will submit to the Corps for the record dealing with the current status of the study, the cost-benefit ratios, the rationale or reason for withdrawing from the spawning demonstration, and other questions that will give us a current picture of just what that study shows and whether there is any rationale for continuing it.

I think I have got a pretty clear picture for the record of the views of the panel in terms of this one element of the bill, which it seems to me is still a little unclear, and that is, to what extent we may wish to allow further studies, as long as they are all just on paper, of the economic aspects of use of that stretch of the river, during the same time that we are finishing the study on its scenic and wild river status.

Okay. With that, thank you all very much for coming. It has been very helpful, and it is my hope that we will be able to move ahead promptly, both in subcommittee and full Committee, and then through the Congress on these important pieces of legislation. Thank you.

Mr. Chairman, we have concluded panel number one, and we are now ready to move to panels two and three. And I appreciate very much the chance to chair this morning's session.

Senator **Bumpers** [presiding]. Thank you very much, Senator Evans, for being willing to help out this morning.

With that, I am going to ask panels two and three both to come forward at the same time. Panel two, Doug Maddy is President of the Fayette County Chamber of Commerce, Oak Hill, West Virginia, and John Purbaugh, President of West Virginia Highlands Conservancy, from Charleston.

Panel three is Roger French, Jackson Conservation Commission, Jackson, New Hampshire, and Frank Di Fruscio, member of the Jackson Board of Selectmen, Jackson, New Hampshire.

And I will take you in the order, so Mr. Maddy, if you will please, please proceed.

STATEMENT OF DOUG MADDY, PRESIDENT, FAYETTE COUNTY CHAMBER OF COMMERCE

Mr. **Maddy**. Thank you, Mr. Chairman. My name is Doug Maddy. I am President of the Fayette County Chamber of Commerce. I am here today to speak in favor of the West Virginia National Interest River Conservation Act of 1987.

I will speak primarily of economic benefits. There are others that will speak and have spoken of the environmental concerns.

Thank you for this opportunity to testify to the Committee on behalf of this legislation that will have a profound and positive effect on our part of the world.

I live and work in Fayette County, West Virginia. Fayette County is a county in transition. It is a county that once was the largest coal-producing county in the state at a time when the State of West Virginia was the largest coal-producing state in the Nation.

Today there are no coal mines operating in our county. Our miners have lost hope of returning to their profession, and have left our state by the thousands. The one way of hope in our part of West Virginia is the legislation that this body passed in 1978 establishing the New River Gorge National River.

Since that legislation was enacted, we have seen the benefit of recreation and tourism activity and know the tremendous development that is on the horizon. Our chamber of commerce the New River Gorge National River legislation then, and we support this legislation for the very same reasons.

Our organization is very familiar with these four rivers affected by this legislation. We are familiar with their beauty and their magnificence. We are also keenly aware of their economic benefits.

The New River has become our economic lifeblood. The Gauley River brings to our area people by the tens of thousands and revenues by the millions, as it is known internationally as one of the world's premier whitewater rivers.

According to data compiled by the National Park Service and the U.S. Corps of Engineers, in 1986 the visitation for these two rivers for whitewater rafting alone was 100,000 plus, with the direct dollar impact of over $15 million, and a total impact of over $50 million to our local economy.

In 1987 visitation on the New River was up by 4,000, and estimates for the Gauley River indicate an increase there as well.

These are figures on whitewater rafting alone and do not reflect visitation for the multitude of additional river-related activities such as fishing, boating, and rock-climbing.

All these activities are on the increase as well. For instance, the National Park Service tells us that visitation at their Canyon Rim Visitors Center was up 80 percent for January and February of 1988.

The effects of the New River legislation of 1977 are just beginning to be felt. The process for protecting and developing these resources is a slow one. We urge you to move on this legislation now so that its benefits will be obtained as soon as possible.

We know what valuable resources these rivers are, and we embrace your efforts to preserve and enhance their benefits to our local economy. We therefore beg your support of Senate bill 1720. Thank you.

[The prepared statement of Mr. Maddy follows:]

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FAYETTE COUNTY
CHAMBER of COMMERCE

ANSTED
OAK HILL MT. HOPE
FAYETTEVILLE

Mr. Chairman, Distinguished Senators:

My name is Doug Maddy. I am President of the Fayette County Chamber of Commerce. I am here today to speak in favor of the "West Virginia National Interest River Conservation Act of 1987".

Thank you for this opportunity to testify to this committee on behalf of this legislation that will have a profound and positive effect on our part of the world.

Gentlemen, I live and work in Fayette County, West Virginia. Fayette county is a county in transition. It is a county that once was the largest coal producing county in the state at a time that the state of West Virginia was the largest coal producing state in the nation. Today, there are no coal mines operating in our county. Our miners have lost hope of returning to their profession and have left our state by the thousands. The one ray of hope in our part of West Virginia is the legislation that this body passed in 1977 establishing the New River Gorge National River.

Since that legislation was enacted we have seen the benefit of recreation and tourism activity and know of the tremendous development that is on the horizon. Our Chamber of Commerce supported the New River Gorge National River legislation then and we support this legislation for the very same reasons. Our organization is very familiar with the four rivers affected by this legislation. We are familiar with their beauty and magnificance. We are also keenly aware of their economic benefits. The New River has become our economic life's blood. The Gauley River brings to our area people by the tens of thousands and revenues by the millions as it is known internationally as one of the world's premiere whitewater rivers.

According to data compiled by the National Park Service and the United States Corp of Engineers, in 1986 the visitation for these two rivers for whitewater rafting alone was 100,000 plus with a direct dollar impact of over 15 million dollars and a total impact of over 50 million dollars to our local economy. 1987 visitation on the New River was up by 4,000 and estimates for the Gauley River indicate an increase there as well. These are figures on whitewater rafting alone and do not reflect visitation for the multitude of additional river-related activities such as fishing, boating, or rock climbing. All of these activities are on

UNITED STATES SENATE HEARINGS ON
THE "WEST VIRGINIA NATIONAL
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TESTIMONY OF DOUG MADDY, PRESIDENT
FAYETTE COUNTY CHAMBER OF COMMERCE
Page 2

the increase as well. For instance, the National Park Service tells us that visitation at their Canyon Rim Visitors Center was up 80% for January and February of 1988.

We know what valuable resources these rivers are and we embrace your efforts to preserve them and enhance their benefits to our local economy. We, therefore, beg your support of Senate Bill 1720. Thank you.

Sincerely,

Doug Maddy

Doug Maddy
President

slb

Senator **Bumpers**. Thank you, Mr. Maddy.
Mr. Purbaugh.

STATEMENT OF JOHN PURBAUGH, PRESIDENT, WEST VIRGINIA HIGHLANDS CONSERVANCY

Mr. **Purbaugh**. Thank you, Mr. Chairman. I have submitted a comprehensive written statement and will summarize it as follows.

The West Virginia Highlands Conservancy is a wholly state-based, all-volunteer organization without national affiliation. We have for 20 years worked to protect and promote the wise use of our state's resources, and our latest focus is on river corridor protection and preservation.

I have personally canoed stretches of the Gauley and the New River and the Bluestone River, and have rafted on other stretches of the Gauley and the New River.

I have not put a boat on the water of the Meadow River because frankly it is too demanding for my skill level. But I have walked down its narrow and remote canyon.

And so I come with both a personal appreciation for these rivers, and conveying the viewpoint of our members, which are both individuals and organizations representing other paddling community members and rock climbers, cavers, the whole spectrum of outdoor recreation users in West Virginia.

The provisions of the bill dealing with the New River, other than some minor boundary adjustments recommended by the Park Service, primarily address the needs of the whitewater rafting industry.

And because our membership includes both private and commercial outfitters and paddlers of all perspectives, we find that on balance the bill creates a framework in which the future management issues that confront park services, it regulates access and use of the river, to be an adequate framework for the future.

The required study by the Corps of Engineers to address flow management concerns can help alleviate these inevitable conflicts as we go forward.

With regard to the Gauley River, we have proposed, and the bill proposes, designation as a national recreation area, primarily to recognize in tangible form the truly unique recreational aspect of this river.

And that does not mean that it is not also wild and scenic in all the usual ways that a designated wild and scenic river is. And so this bill, by incorporating certain provisions of the Wild and Scenic Rivers Act, as part of the management goals for the Gauley River National Recreation Area, gives us really the best of two approaches.

The Meadow River, as I mentioned, is something that is quite different from the other rivers, in that it is a tight, very steep canyon, and is something that can be enjoyed by only the most expert whitewater paddlers. But it forms an important part of the interconnected river system.

The Bluestone River is a more gentle river, and Senator Evans remarked in earlier testimony that he was not quite sure how much of a ride 110 feet per mile gradient would give you, and I assure that it depends on what you are sitting in when you take the ride.

I have taken it in a canoe and it is quite the satisfactory experience. In the East our whitewater experiences go beyond just rafting to wide participation by families and intermediate paddlers in open canoes. And the Bluestone provides precisely this sort of an experience.

One of the essential provisions of the bill is a public awareness program that is established. As you are no doubt aware, more of these rivers are eligible for inclusion than have been designated in this bill.

And one of the essential features of this bill is the public awareness program that directs the Park Service to work with affected communities in the other stretches of the river, so that public concerns and views about designation of future stretches can be addressed.

And this is a forward looking development, and one which encourages our participation in the future efforts to protect these rivers.

The Greenbrier River was included in the House version of the bill, but it now appears that further public education efforts are necessary before that can go forward. And we think that this unique public awareness program can assist in that process.

Conservancy and its member conservation, sportsmen, and recreation groups urge your passage of this bill, because it can both protect the natural environment and enhance the economic environment of this key river system. Thank you for your time.

[The prepared statement of Mr. Purbaugh follows:]

west
virginia
highlands
conservancy
ADMINISTRATIVE OFFICES • Suite 201 • 1206 Virginia Street, East • Charleston, West Virginia 25301
Publishers of the Highlands Voice

April 19, 1988

Testimony of John Purbaugh, President of the West
Virginia Highlands Conservancy
before the Subcommittee on Public Lands, National Parks
and Forests, Committee on Energy and Natural Resources,
regarding S. 1720, the W. Va. National Interest
Rivers Conservation Act of 1987.

Chairman Bumpers, subcommittee members, and Senator Rockefeller:

The West Virginia Highlands Conservancy ("WVHC") is an all volunteer, non-profit organization, with approximately 750 individual and organizational members. A majority of the members are West Virginians, but a significant number are from the D. C. and Pittsburgh metropolitan areas and bordering states. Since its formation in the mid-sixties, the Conservancy has worked for the conservation and wise use of the state's natural resources. After achieving protection of the Dolly Sods, Otter Creek, Cranberry and Laurel Fork wilderness areas, we have focused on river corridor protection as a way to enhance the high quality of outdoor recreation and natural experiences available in this increasingly important segment of our economy.

The Conservancy has throughout its twenty year history worked for the conservation of West Virginia's public lands and scenic rivers. The Conservancy originally proposed specific legislation in January 1986 to establish the Gauley River National Recreation Area and the Bluestone Wild and Scenic River. We greatly appreciate the consideration of the West Virginia delegation, particularly Senator Rockefeller and Representative Rahall, in sponsoring legislation in both houses to achieve these objectives.

Our testimony in support of S. 1720 will discuss briefly the outstanding scenic and recreational value of these rivers, and will address several minor issues regarding specific provisions of the bill.

I. New River

Title I of the bill amends existing law establishing the New River Gorge National River in several respects. Most of the changes, other than boundary adjustments recommended by the NPS, deal with the needs of the whitewater rafting industry. Recreational whitewater experiences, both by private paddlers and by clients on commercial trips, have become the most visible symbol of this region's changing economy. The Conservancy has among its members both private paddlers, private paddlers groups, commercial raft guides, and rafting companies, all of which use and treasure the New River. Title I requires the NPS to improve river access for **both** commercial and private paddlers, without restrictions. The required study by the Corps of Engineers of flow management to enhance river recreation on the New River will help alleviate the occasional "traffic jams" which can occur when low flows coincide with peak rafting use. This combination of provisions provides a framework within which access and capacity problems can be managed by the NPS.

The Conservancy feels that the most significant unresolved issue in management of the New River National River is the need to extend the river's protected boundary downstream from Fayetteville to Gauley Bridge. Though we do not believe that this issue is adequately developed for consideration in this bill, we do not wish our general agreement with the boundary changes proposed by the bill to indicate our satisfaction with NPS decisions on all boundary questions. During the debate over how best to protect the resources of the New River Gorge, Congress in 1978 authorized the National River excluding the ten miles from Fayetteville to Gauley Bridge, but expressly directed the Park Service to study the feasibility of including this stretch. 16 U.S.C. §460m-17(iv). Nearly ten years of experience have shown that inclusion of this stretch is necessary to fully accomplish the statutory management objectives for the river, as detailed in the National Parks and Conservation Association's February 1987 report entitled "New River Gorge National River: Water Through the National Park Service's Fingers". The West Virginia Highlands Conservancy will work with NPCA in future efforts on this critical remaining stretch of the New River.

II. Gauley River

The Conservancy initially proposed the protection of segments of the Gauley River as a National Recreation Area, rather than by designation under the Wild and Scenic Rivers Act, as a way to recognize the outstanding recreational value of the river for whitewater rafting and kayaking, and for other remote outdoor recreational pursuits. The Conservancy's proposal was that the National Recreation Area serve to protect the Gauley downstream from the Summersville Dam to Swiss from further alterations to its flow and for the protection of its scenic, recreation, geologic, fish and wildlife, historic and cultural values.

Unlike designation under the Wild and Scenic Rivers Act, there is nothing inherent in the creation of a National Recreation Area which gives policy guidance for the future management of the Area to protect these values. By stating the purpose of the NRA to be the protection and preservation of scenic, recreational, geologic, fish and wildlife resources of the Gauley River and by incorporating provisions of the Wild and Scenic Rivers Act, §201 and §202 of Title II of this bill ensure that essential river conservation goals will be met. The advisory committee approach to ensuring that the managing agency has the full range of public involvement in its decisions is one which the Conservancy supports. In fact, we think that the advisory committee could usefully be broadened or replicated to cover the management of all protected rivers or lands under this bill. Meaningful public participation in land management by federal agencies is essential to ensure a mixture of local and national goals.

III. Meadow River

Title III of the bill would designate the lower Meadow from the Rt. 19 bridge downstream to its confluence with the Gauley, as a national wild river. In the Gauley River Wild and Scenic River Study of August, 1983, the National Park Service also identified the segment upstream from the Rt. 19 bridge to Meadow Creek as also eligible for scenic status designation. As a general principle, the Conservancy favors full designation in accord with the conclusions of such studies, but recognizes the need for further public understanding of the concepts of designation before the remaining eligible area is included. The 4.5 miles below Rt. 19 fall steeply through an almost inaccessible gorge to its confluence with the Gauley, and has been called the "forbidden fruit of eastern whitewater" by expert kayakers, who often continue on down the Gauley before taking out. This river, designated as wild and scenic, is a valuable addition to the interconnected system of the rivers protected by the bill.

IV. Bluestone River

Title IV of the bill designates a segment of the Bluestone River, approximately 13 miles, upstream of the Rt. 20 bridge, as a national scenic river. The Bluestone River Wild and Scenic River Study, completed by the National Park Service in August of 1983, found that a 25.5 mile segment, from the breached dam at Spanishburg to the normal pool of the Bluestone Lake, qualified for scenic river designation. As with the Meadow River, the Conservancy supports eventual inclusion of the entire 25.5 mile segment, which has been canoed by many of our members, but recognizes the value in protection now for the 13 miles included in the bill. The provisions of section 503 of Title V, requiring NPS to establish a public awareness program to further public understanding of the effects of designation of additional segments, is a judicious approach to dealing with the very real concerns of local citizens.

V. Other Rivers

The public awareness program established by §503 of Title V of the bill is an exciting opportunity for all advocates of river protection, and for those uncertain or initially opposed to such programs, to debunk the myths of designation under the Wild and Scenic Rivers Act and explore solutions to the remaining problems. We do not think, however, that the protection of study rivers should end coincident with the conclusion of the public awareness program, since there will be an inevitable lag of several years before designation of these rivers can be fully debated or finally achieved. In the House bill, H.R. 900, by Mr. Rahall, portions of the Greenbrier River were included, with our full and enthusiastic support. However, it now appears that further public education efforts are necessary before inclusion of this beautiful river, and this unique public awareness program can assist in that process.

VI. Conclusion

S. 1720, The West Virginia National Rivers Conservation Act of 1987, is an important step toward protection of eligible segments of the Gauley, Meadow, New and Bluestone Rivers for their scenic, natural, recreational and economic importance to the State. The Conservancy and its member conservation, sportsman, and recreation groups urge passage of this bill because it can both protect the natural environment and enhance the economic environment of this key river system.

April 19, 1988

John Purbaugh
President

JCP:jm

References

Gauley River Wild and Scenic River Study, West Virginia, Final Report August 1983, National Park Service.

Bluestone River Wild and Scenic River Study, West Virginia, Final Report August 1983, National Park Service.

New River Gorge National River, West Virginia, General Management Plan, 1982, National Park Service.

New River Gorge National River: Water Through the National Park Service's Fingers, February 1987, National Parks and Conservation Association.

Senator **Bumpers**. Mr. Purbaugh, I want to be sure I understand this. You are generally supportive of this bill?

Mr. **Purbaugh**. Yes, indeed.

Senator **Bumpers**. How big is Fayette County?

Mr. **Maddy**. About 58,000 people.

Senator **Bumpers**. That was 58,000?

Mr. **Maddy**. Yes, sir.

Senator **Bumpers**. What is the principal city?

Mr. **Maddy**. Oak Hill.

Senator **Bumpers**. How big is Oak Hill?

Mr. **Maddy**. About 9,000 people, roughly. It is hard to keep track. Our population keeps diminishing.

Senator **Bumpers**. Well, let me say that we here in the Senate are not unmindful, especially thanks to your two fine Senators, of the economic plight of West Virginia.

And I thought your statement, Mr. Maddy, was particularly good on that point. This is one hope that West Virginia has. My son is a great rafter, and very seldom goes anyplace else except West Virginia. And he says they have the best whitewater rafting in West Virginia in the United States.

And he has never forgiven me for one time when he was really a youngster, a college kid, and was down there on a river. He left home one morning, it was a beautiful spring day, and on my way to work I heard this unbelievable weather warning that this whole area, including West Virginia, was in for a norther. I think the temperature at that time was 80°. It was supposed to go down to 20° that night, with winds and snow and all that sort of thing.

Well, like every doting father, I was scared to death that he did not have a radio, would not hear that. And of course, you know how we are, we assume our children have no sense at all about how to take care of themselves.

And so I called Arch Moore, your governor, with whom I had served when I was governor, and told him to go find my son. And they never did find him.

But when he got back, he found all these notes from the West Virginia State Police saying your father is looking for you, and he heard people while he was on the river shouting. And he could not imagine what they were shouting about, and they paid no attention to it.

Well, the weather never did really get as bad as it was suppose to, but I am telling you my son has never forgiven me for that. But I thought you might be interested in that little personal vignette about our experience on West Virginia's rivers.

Are these the only rivers that have been studied by the Park Service in West Virginia?

Mr. **Purbaugh**. No. There have been many other rivers studied by both the Park Service and the Forest Service.

But these are an interconnected system and are—and the New River is already managed by the Park Service, so these are suitable for the first go-round in protection.

Senator **Bumpers**. Well, as I understand it, the Park Service opposes this because they are afraid they are going to spend some money to acquire some land.

But I can tell you categorically that I am going to support it, and I am going to be for it. And do everything I can to get it passed. You are in good hands, though. You have two of the finest Senators up here of any in the United States.

So they are not going to need my help and my opinion to get this passed. But I certainly am supportive of it. We have several rivers in my state now under study, but we really only have one national wild and scenic river in my state, and we should have others designated.

I appreciate both of you gentlemen being here and your interest in this. Incidentally, what is that top picture of?

Mr. **FRENCH**. That is the Wildcat.

Senator **BUMPERS**. Do you have any pictures of your rivers in West Virginia?

Mr. **PURBAUGH**. We do not have any with us today.

Senator **BUMPERS**. Well, let that be a lesson to you. Bring pictures next time.

Mr. **PURBAUGH**. Yes, sir.

Senator **BUMPERS**. Thank you both very much for being here, and you are excused, if you would like to leave.

Our next witness is Mr. French, Roger French, the Jackson Conservation Commission. Mr. French.

STATEMENT OF ROGER FRENCH, JACKSON CONSERVATION COMMISSION

Mr. **FRENCH**. Thank you, Chairman Bumpers, for the opportunity to testify before your Committee.

I am Roger French, a member and past chairman of the Jackson Conservation Commission. And I took early retirement for a life to be dedicated to conservation.

Since 1979, I have been involved in the fending and the seeking of protection for the Wildcat River in Jackson. Now, the Wildcat River has completed the study under the Wild and Scenic Rivers Act study.

And the National Park Service has prepared this excellent report which indicates way in excess of the usual qualifications for eligibility, that the Wildcat goes way beyond that, and that the town of Jackson has gone way beyond this. This is truly a local support all the way through.

Now, I am going to depart from my regular testimony, it will be in the record, in order to comment on the Department of Agriculture testimony.

I am glad the Department of Agriculture has recognized finally the need for wild and scenic river designation of rivers within the National Parks and the National Forests.

They finally are recognizing the pervasive power of the Federal Energy Regulatory Commission, whose licenses and permits take priority over all local laws, all private rights, all the state, and even other Federal agencies, when it comes to hydropower.

And this pervasive power is so much that we just wish that there would be total recognition of that. And when we have a river which so qualifies as the study indicates, that we could get that type of protection extended to the riparian owners, to the citizens of Jackson, to the local businesses which have all supported this.

And we simply want for ourselves the protection which the Wild and Scenic Rivers Act is designed to provide, which the current Administration seems to wish to be turned back to a state or a local protection.

Now, we have done all the things from a local one. I am also a member of the steering committee of the New Hampshire campaign, which is trying to get a state rivers program in New Hampshire. But we do not have a state rivers program.

And furthermore, even if we did, the Durenberger bill of several years ago was never passed, which would have given the teeth to a state program.

But more particularly, I would like to comment specifically on the Secretary of Agriculture's thing, first they noted correctly that local management is appropriate. Now, this complete conservation plan and management plan was submitted prior to the drafting of this bill.

Now, this is unique amongst wild and scenic river protection, where so many places there have been the Federal land acquisition, and the programs have languished for the lack of a plan, the lack of how you are going to manage.

But now with this in place, they are referring to this as a complex management arrangement. It is all included in just a few pages in here. There is nothing complex about it.

The only thing that this does is it says the local people that really want it can contribute significantly to the management, and have taken the trouble to prepare for that. And because of this, we urge the passing of this bill in order to extend that protection to the key resources, which are shown in these pictures——

Senator **Bumpers**. Is that Jackson Falls in the top?

Mr. **French**. That is Jackson Falls. And those falls are within 200 yards of the village church, and within 100 yards of the town hall.

Senator **Bumpers**. Do you have other scenic rivers in New Hampshire?

Mr. **French**. What is that?

Senator **Bumpers**. Do you have other scenic rivers in New Hampshire?

Mr. **French**. There are none other in New Hampshire. This would be the first.

Senator **Bumpers**. This will be your first?

Mr. **French**. Yes.

Senator **Bumpers**. That is amazing. It is such a lovely state, with a lot of streams.

Mr. **French**. It is proud and it is a great place.

[The prepared statement of Mr. French follows:]

Jackson Conservation Commission
P. O. Box 84
Jackson, New Hampshire 03846

Senate Bill S 1914: Hearing April 19, 1988 9:30 AM
Dirksen Building RM 366

Public Lands, National Parks and Forests Subcommittee of the Energy and Natural Resources Committee

Senator Dale Bumpers, Chair

Testimony by Roger French*, Jackson, New Hampshire

Senate Bill S 1914 provides designation of the Wildcat River in New Hampshire under the Wild and Scenic Rivers Act. The Wildcat Basin is entirely within the White Mountain National Forest and the Town of Jackson.

This outstandingly remarkable, small river provides the entire range of mountain river experience - headwaters, mountain lakes, underground segment, fishing holes, babbling brook, gorge, tranquil valley between mountain ranges, cascading falls, village playground, wildlife, forests and flora - all within a day's hike. This natural beauty and tranquility has made Jackson a premier resort for over a century. Designation will protect this resource so that future generations may continue to enjoy this quality experience.

Under legislation enacted in June 1984, the Wildcat River has been studied for possible inclusion in the National Wild and Scenic Rivers System. The National Park Service has completed that study, and their excellent report declares the river both eligible and suitable for designation under the Wild and Scenic Act.

The study legislation, the study, and the proposed bill provide this enlightened new approach to designation and management:

1. No federal land acquisition is required
2. The major input for the plan came from residents of the basin
3. The management would be through the local government for privately held and municipal lands
4. The comprehensive conservation and management plan was completed and submitted by the town before the bill was drafted.
5. A major protection element is the voluntary conservation easement by a number of landowners
6. Close working relations and planning with the White Mountain National Forest, State and other involved agencies
7. Regular reporting and accountability through the proposed Wildcat River Commission to assure compliance with the letter and intent of the Wild and Scenic Rivers Act

The Town enacted River Conservation Zoning including flood plain and set back requirements. It further enacted Zoning by Soil Type. These actions provide better protection of water quality and scenic values.

The above approaches provide the involvement and strong support of the landowners, citizens, visitors, businesses, and volunteers. This greatly reduces the cost to the U.S. Government while increasing the effectiveness of the river protection program.

Since Federal Energy Regulatory Commission licenses and permits take priority over the rights of landowner, local, state, and other federal agencies, designation under the Wild and Scenic Rivers Act is the positive way to protect the river.

An identical bill (HR 3703) has been filed in the House of Representatives by our New Hampshire Representatives Robert C. Smith and Judd Gregg.

We urge enactment of S 1914 to assure that future generations may enjoy the quality experience and natural beauty of the Wildcat River.

* Mr. French is a member and past Chairman of the Jackson Conservation Commission. Other affiliations include:
    Wildcat Brook Advisory Committee: Executive Committee
    North Country Resource, Conservation and Development Project: Past Chairman Executive Council
    Saco River USDA Cooperative Study: Steering Committee
    Saco River Recreational Study: Steering Committee
    Saco River Recreational Council: New Hampshire delegate
    Service Corps of Retired Executives: Past Chairman Chapter 324
    Appalachian Mountain Club: North Country Board, Research Advisory Group, White Mountain National Forest Committee, Facilities Committee
    New Hampshire Rivers Campaign: Steering Committee
    Mount Washington Observatory: Research Advisory Committee
    Society for the Protection of New Hampshire Forests
    Tin Mountain Conservation Center
    American Rivers

Senator **Bumpers**. Mr. Di Fruscio.

STATEMENT OF FRANK DI FRUSCIO, MEMBER, JACKSON BOARD OF SELECTMEN

Mr. **Di Fruscio**. It would be a good site, to designate that as a wild and scenic river, I think.

I wanted to be here for the reason of supporting the effort to protect the river, our river. When I say our, when you hear some of these statistics.

The White Mountains of New Hampshire are situated within a day's drive of about 25 percent of the population of both the United States and Canada. That is roughly 60 million people, who in a lot of cases come from large urban areas where open spaces and clean rivers are practically non-existent. We certainly hope that they do not all show up at one time.

Jackson and the Wildcat River exemplify best what it means to be clean and rural. The Wildcat River, with its cascading falls, known as Jackson Falls, as you see up there, in its clear pools of cool mountain waters, offers an experience that I am afraid is fast disappearing in many parts of the Northeast, which is the most populated region in the United States.

Often in the summertime, you take a drive along the mountain road that parallels much of the Wildcat, and you will see cars from all over the place, from Arkansas, Michigan, Texas, California, Massachusetts, you name it. And everybody is enjoying themselves.

There are many beautiful rivers in America. Many of those rivers are in wilderness areas or areas that are not easy to get to. But the Wildcat is right along a country road that has enough room for a family to pull over and park, and then take to the river.

Many times you will see a person with his or her fishing pole, the river is loaded with brook trout. Senator Bumpers, if you ever get to New Hampshire, to Jackson, we can show you some of those pools.

That one down in the bottom picture is particularly good for trout fishing when someone is not swimming in it. Get there early.

Senator **Bumpers**. Approximately where is that located within the proposed area to be designated?

Mr. **Di Fruscio**. A mile.

Senator **Bumpers**. Pardon?

Mr. **Di Fruscio**. Very close, a mile.

Senator **Bumpers**. A mile from what?

Mr. **Di Fruscio**. The lower boundary of the river.

Senator **Bumpers**. Very close to Jackson then.

Mr. **French**. This is right in——

Mr. **Di Fruscio**. This is right in Jackson, right in the village.

Senator **Bumpers**. This is right in Jackson?

Mr. **Di Fruscio**. Yes, it is.

Senator **Bumpers**. Okay.

Mr. **Di Fruscio**. And there is a road right off to the left of this shot here where it is very accessible for all kinds of people to get to. Handicapped people, old, young, anybody who is interested in enjoying the river and nature.

But the use of the Wildcat River is not something new to this generation or even the last. You have to go back about 125 years, when Jackson had several attracted visitors and artists from the cities. And my hopes, the hopes of the residents of Jackson, is that the river will remain as it is forever.

I guess just to sum this up, to mix metaphors, Jackson Falls is the keystone of the Wildcat River. A hydroelectric facility on these magnificent falls that so many have a will enjoy, that includes old and young, handicapped, everybody, would be like pulling the keystone and watching the bridge collapse.

By preserving the river, we bridge the present with the future. We maintain what has always been there, a river formed and shaped by the natural cataclysms of nature.

Please, this is not an effort to halt development or commerce. This is an effort to give every American, every citizen of the world, all the people that visit this place, a chance to enjoy nature untouched in a place that is very accessible.

The Wildcat River and Jackson Falls are special, and we hope it is worthy of a wild and scenic designation.

[The prepared statement of Mr. Di Fruscio follows:]

TOWN OF JACKSON
NEW HAMPSHIRE 03846

OFFICE OF THE SELECTMEN
P O BOX 268
Telephone 603-383-4223

SENATE BILL S. 1914: HEARING APRIL 19, 1988 9:30 A.M.

DIRKSEN BUILDING RM. 366

PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE OF THE ENERGY AND NATURAL RESOURCES COMMITTEE

SENATOR DALE BUMPERS, CHAIR

TESTIMONY BY FRANK DI FRUSCIO III, JACKSON, NEW HAMPSHIRE

SENATE BILL S. 1914 PROVIDES DESIGNATION OF THE WILDCAT RIVER IN NEW HAMPSHIRE UNDER THE WILD AND SCENIC RIVERS ACT. THE WILDCAT BASIN IS ENTIRELY WITHIN THE WHITE MOUNTAIN NATIONAL FOREST AND THE TOWN OF JACKSON.

MR. CHAIRMAN. MEMBERS OF THE COMMITTEE.

MY NAME IS FRANK DI FRUSCIO, MEMBER OF THE JACKSON BOARD OF SELECTMEN.

[redacted], I AM HONORED TO BE HERE, PARTICULARLY FOR THE REASON OF SUPPORTING THE EFFORT TO PROTECT THE WILDCAT RIVER THAT FLOWS THROUGH OUR TOWN. WHEN I SAY OUR, I MEAN ALL OF US HERE. LET ME EXPLAIN.

THE WHITE MOUNTAINS OF NEW HAMPSHIRE ARE SITUATED WITHIN A DAY'S DRIVE OF ABOUT TWENTY-FIVE PERCENT OF THE POPULATION OF BOTH THE UNITED STATES AND CANADA. THAT'S ROUGHLY SIXTY MILLION PEOPLE WHO IN A LOT OF CASES COME FROM LARGE URBAN AREAS

TOWN OF JACKSON
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P O BOX 268
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WHERE OPEN SPACES AND CLEAN RIVERS ARE PRACTICALLY NONEXISTENT. JACKSON AND THE WILDCAT RIVER EXEMPLIFY BEST WHAT IT MEANS TO BE CLEAN AND RURAL. THE WILDCAT RIVER WITH ITS CASCADING FALLS KNOWN AS JACKSON FALLS AND ITS CLEAR POOLS OF COOL MOUNTAIN WATERS OFFERS AN EXPERIENCE THAT I'M AFRAID IS FAST DISAPPEARING, PARTICULARLY IN THE NORTHEAST--THE MOST POPULATED REGION IN THE UNITED STATES. [redacted] OFTEN IN THE SUMMERTIME, I'LL TAKE A DRIVE ALONG THE MOUNTAIN ROAD THAT PARALLELS MUCH OF THE WILDCAT. YOU KNOW, YOU'LL SEE CARS WITH NEW HAMPSHIRE LICENSE PLATES ALONG THE SIDE OF THE ROAD. BUT BELIEVE ME WHEN I TELL YOU THERE ARE PEOPLE FROM ALL OVER THE COUNTRY ENJOYING THE SIGHTS AND SOUNDS OF THE WILDCAT RIVER. MICHIGAN, TEXAS, CALIFORNIA, MASSACHUSETTS, FLORIDA, WYOMING--[redacted] ALL OF THE GREAT STATES IN OUR UNION AT ONE TIME OR ANOTHER WILL HAVE A RESIDENT ENJOYING THE WILDCAT BROOK. AGAIN I MAKE THE POINT IT IS OUR RIVER; [redacted] THERE ARE MANY BEAUTIFUL RIVERS IN AMERICA. MANY OF THOSE RIVERS ARE IN WILDERNESS AREAS OR AREAS THAT ARE NOT EASY TO GET TO. THE WILDCAT IS RIGHT ALONG A COUNTRY ROAD THAT HAS ENOUGH ROOM FOR A FAMILY TO PULL OVER AND PARK AND THEN TAKE TO THE RIVER. MANY TIMES YOU'LL SEE A [redacted] PERSON WITH HIS OR HER FISHING

POLE. THE RIVER IS LOADED WITH BROOK TROUT. [redacted] [redacted]. [redacted]. IF ANY OF THE MEMBERS OF THIS COMMITTEE LIKE TO TROUT FISH, I KNOW I CAN SHOW YOU A FEW DEEP HOLES ON THE WILDCAT IN WHICH YOU'RE BOUND TO CATCH YOUR LIMIT. THE USE OF THE WILDCAT RIVER TO ENJOY NATURE IS NOT SOMETHING NEW TO THIS GENERATION OR EVEN THE LAST. YOU HAVE TO GO BACK ABOUT ONE HUNDRED TWENTY-FIVE YEARS WHEN THE GREAT INNS OF THE NORTHEAST--OF WHICH JACKSON HAD SEVERAL--ATTRACTED VISITORS AND ARTISTS FROM THE CITIES. MY HOPE--THE HOPES OF THE RESIDENTS OF JACKSON--IS THAT THE RIVER WILL REMAIN AS IT IS FOREVER. UNSPOILED RIVERS AND LAND ARE FAST DISAPPEARING. THIS IS OUR CHANCE TO MAKE A STATEMENT ABOUT OUR CONCERNS [redacted] ABOUT UNSPOILED [redacted] NATURE--A STATEMENT THAT WILL BE MUCH APPRECIATED BY [redacted] FUTURE GENERATIONS [redacted]. DESIGNATING THE WILDCAT RIVER WITH A WILD AND SCENIC DESIGNATION IS THE ONLY WAY TO PROTECT ALL OF WHAT I HAVE SAID ABOUT THE RIVER. TO MIX METAPHORS, JACKSON FALLS IS THE KEYSTONE OF THE WILDCAT RIVER. A HYDROELECTRIC FACILITY ON THESE MAGNIFICENT FALLS, THAT SO MANY HAVE AND WILL ENJOY--THAT INCLUDES OLD AND YOUNG, HANDICAPPED, [redacted] EVERYBODY WOULD BE

TOWN OF JACKSON
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LIKE PULLING THE KEYSTONE AND WATCHING THE BRIDGE COLLAPSE. BY PRESERVING THE RIVER, WE BRIDGE THE PRESENT WITH THE FUTURE. WE MAINTAIN WHAT HAS ALWAYS BEEN THERE--A RIVER FORMED AND SHAPED BY THE NATURAL CATACLYSMS OF NATURE.

PLEASE, GENTLEMEN, THIS IS NOT AN EFFORT TO HALT DEVELOPMENT OR COMMERCE. THIS IS AN EFFORT TO GIVE EVERY AMERICAN, EVERY CITIZEN OF THE WORLD, A CHANCE TO ENJOY NATURE UNTOUCHED IN A PLACE THAT IS VERY ACCESSIBLE. THE WILDCAT RIVER AND JACKSON FALLS ARE SPECIAL. IT IS WORTHY OF A WILD AND SCENIC DESIGNATION.

Senator **Bumpers**. Thank you very much. The Park Service studied 20.15 miles, what they call the Wildcat Brook, which is also known as the Wildcat River.

And then the Little Wildcat Brook, is 2.83 miles. That is from the headwaters on Wildcat Mountain to the confluence with Wildcat Brook. Then Bob Brook, which is from the headwaters near Perkins Notch to the confluence with Wildcat Brook.

Mr. **French**. First, the main stem starts up here, the Appalachian Trail crosses, and you are at an elevation of about 3,400 feet.

The main stem is nine miles long and ends right here in the center of the town, in the center of the village.

Senator **Bumpers**. How big is that village?

Mr. **French**. That is about nine. Then this is Bob Brook off here, and that adds about four or five.

And Wildcat Brook, now there is some confusion in the study, because they refer to the whole thing as Wildcat Brook.

Senator **Bumpers**. That is right.

Mr. **French**. And on the National U.S. Coast and Survey Maps of Jackson, the only thing that shows on that is, it says Wildcat Brook. There is no mark on Wildcat River.

And Wildcat Brook is simply this lower one, section here. Now, in the study they refer to that as Little Wildcat Brook.

Senator **Bumpers**. Now, Little Wildcat Brook as it is referred to here, is included in the bill. Is it not?

Mr. **French**. Little Wildcat Brook, Bob Brook, the Wildcat River, and a small section of Great Brook, are the ones that are included.

Senator **Bumpers**. Now, how many miles are included in the bill?

Mr. **French**. That is 14.5 miles.

Senator **Bumpers**. Where is Davis Brook?

Mr. **French**. Davis Brook is this one, which is within the boundaries of the National Forest. See, the green line is the limit of the private ownership in the town of Jackson. All of this surrounding one is White Mountain National Forest.

Senator **Bumpers**. Let me ask you this. That part that is outlined there is private ownership. Is all of that land included in the bill? Are there any geographical descriptions in the bill as to how much land the Park Service would have to buy?

Mr. **French**. Yes, well, what the Park Service would have to buy is zero.

Senator **Bumpers**. How do you acquire this land that is in private ownership?

Mr. **French**. This is all done, a significant part of it is by easements, or——

Senator **Bumpers**. To be administered by this conservation coalition?

Mr. **French**. That is part of it. But the easements are that, the conservation easements is the landowners themselves have donated this in perpetuity so that there will not be development on these lands. And that is a major protection.

Also, a significant part of this is town-owned, including the section that you see in this picture. The bank there is town-owned. Now, this is owned by the town because the developer of the adjacent property was so concerned with protecting this that he took that as a gesture.

Now this, remember, is a developer of 100 condominium units, and he has done a beautiful job in that area. But he was concerned with the protection of the falls, and felt that by so doing he could enhance this position.

So you are dealing with a lot of public ownership already, town ownership. But the exact plan calls for zero acquisition of public lands.

Senator **BUMPERS**. Now, while you are standing there, where is Marsh Brook?

Mr. **FRENCH**. Marsh Brook comes down here from a section which flows into it at this private boundary here.

But in addition to this, a significant part of Marsh Brook is in a tract of land of 500 acres that was donated to the town of Jackson, and it is managed consistent with the National Forest plan. It is an example of the type of cooperation and how we work with them.

Senator **BUMPERS**. This, just from those topographical lines, looks like a very mountainous area.

Mr. **FRENCH**. Oh, it is.

Senator **BUMPERS**. Are those steep mountains?

Mr. **FRENCH**. Yes, yes. In fact, this one on Wildcat Mountain, the height from up near the top of Wildcat going down here, you will see gradients here that within a half a mile you descend over 1,200 feet.

You will also note that the descent of this river from its start down to here is 2,800 feet. So even though it is only nine miles long, you have a tremendous thing. And it is also all within a day's hike.

In fact, a beautiful hike is the Wildcat River trail, which is right beside it, crosses it at a couple points, and it actually goes underground for a period, the mountain lakes.

Mr. **DI FRUSCIO**. And that terrain is loaded with black bears.

Senator **BUMPERS**. I am sorry?

Mr. **DI FRUSCIO**. That terrain is just loaded with black bears also. One of them came through my yard just a couple days ago. I suspect there will be some stories when I get back tonight.

Senator **BUMPERS**. Now, that is in the White——

Mr. **FRENCH**. White Mountain National Park.

Senator **BUMPERS**. White Mountain National Forest. What is that area in the north?

Mr. **FRENCH**. White Mountain National Forest goes all around here. And then this whole section is White Mountain National Forest.

Senator **BUMPERS**. Yes.

Mr. **FRENCH**. Mount Washington would be about where my finger is up here.

Senator **BUMPERS**. Is there any development on that river at all north of Jackson?

Mr. **FRENCH**. There are a couple remaining old camps. But they blend in very well, they are recognized and protected.

Senator **BUMPERS**. What kind of camps? Summer camps for children?

Mr. **FRENCH**. Summer camps——

Mr. **DI FRUSCIO**. No, actually it is not for children. Camps that are owned by individuals.

Senator **Bumpers**. Pardon me?

Mr. **Di Fruscio**. Camps that are owned by individuals that are used by individuals.

Mr. **French**. But they are within the White Mountain National Forest.

Senator **Bumpers**. I see. Well, I would like to see that. How far is that river from the Maine border.

Mr. **French**. About eight miles.

Senator **Bumpers**. Maine is eight miles to the east?

Mr. **French**. Right. When you go through Perkins Notch, you go over just a little ways——

Senator **Bumpers**. Now, say that again. I am sorry.

Mr. **French**. See, here is Perkins Notch going here, the wild river.

Senator **Bumpers**. Yes.

Mr. **French**. Which rather rapidly gets you into the State of Maine.

Senator **Bumpers**. Now, just one additional question, and that is, what is the name you have given this organization that is going to administer the part of the river that is on private land?

Mr. **French**. The Wildcat Brook Commission.

Senator **Bumpers**. Wildcat Brook Commission?

Mr. **French**. Wildcat River Commission, I am sorry.

Senator **Bumpers**. The Park Service has got you doing it, have they not?

Who will that consist of? And who is going to appoint that commission?

Mr. **French**. It is defined in the plan here, and it consists of a member of the White Mountain National, designated by the White Mountain National Forest. A member to be designated by the State of New Hampshire.

It would include three members appointed by the Board of Selectmen, of which two are required to be riparian owners.

Senator **Bumpers**. Board of Selectmen of what?

Mr. **French**. The town of Jackson. And it would also include a member of the Board of Selectmen and a member of the Conservation Commission.

Senator **Bumpers**. Now, what if any kind of agreements do you now have from the private owners on that river? Do you have any kind of an agreement other than just a tentative understanding? Is there anything in writing from them?

Mr. **French**. Those that have granted easements, we have. That is one classification.

The other classification is the zoning requirements, of the town of Jackson, of which two things were done special for this study but they are applied completely across the whole town of Jackson.

One is a river conservation district, which precludes any development, buildings within the 100-year flood plain, or within the setback from the river banks.

Senator **Bumpers**. What is the setback?

Mr. **French**. It is 75 feet. And in addition to that, there is a zoning by soils type.

Now, the zoning by soils type means that if the soil is not adequate for handling the effluent of septic systems, a much greater land area is needed or a much smaller density. And this is to protect the water quality.

Mr. OLSON. If I may, I am Kent Olson who testified earlier with American Rivers here in Washington.

We are the Nation's principal river-saving organization, had a lot to do with the establishment of the National Wild and Scenic Rivers System to its present 7,709 miles.

What is unique about the Jackson approach to this is all the planning is being done before the fact, there is no Federal acquisition, and the town itself in a unique New England town meeting, and these can be very fractious, voted unanimously, over 400 voters participating, to seek wild and scenic designation after looking at all the alternatives.

The Park Service went in and with the community developed—you cannot see them from your angle here but maybe Roger can hold one up—develop these set of plans that talk about their management of this land.

We think it is a national model for having wild and scenic designations occur on other than Federal lands across the country, because the threat of condemnation, the threat of acquisition and so forth, are entirely removed.

Senator BUMPERS. How many bridges are there over this designated area?

Mr. FRENCH. There are two in this area shown immediately here. And then over the Forest Service, the road which serves it, are two more bridges.

And we are actually proposing, as this plan shows, a footbridge up in the upper corner, so as to provide the ability to stroll around the village independent of the traffic.

And it will also provide for better walking to view the falls, and to detract from the limited parking and facilities in the upper corner. Our whole program is to prevent degradation as more people come in to see it.

Senator BUMPERS. How many people live in the village of Jackson?

Mr. DI FRUSCIO. About 600, 700 people. It varies. In the summertime it picks up a little bit. More people show up and then they all leave when it gets too——

Senator BUMPERS. I do not know that much about government and the way your municipal governments operate in New Hampshire.

But you mentioned a moment ago the ability of Jackson to zone this area. Does your municipality have the right to zone this entire area of this river?

Mr. DI FRUSCIO. To a certain extent. But if you are driving towards, well, why do we not just stop any sort of development, stop a hydroelectric plant, we cannot do that because FERC supercedes everybody and everything.

So even if we had zoning that said, no hydroelectric plant, which we do, no hydroelectricity on any river in Jackson, we could not stop FERC from doing it.

Senator BUMPERS. Well, Federal law will supercede any state or municipal law. But what I am just curious about is how far the village of Jackson's jurisdiction reaches.

Mr. French. The state law, enabling laws of zoning, define what we are allowed to cover in zoning.

And by zoning we are not talking about a top-down thing. It is what the people actually vote and accept within it. So in other words, if the majority, if a zoning ordinance is proposed, and a majority accept it, that goes ahead.

But these ordinances were done by staggering majorities, not just simple majorities.

Senator Bumpers. Well, my question is simply, if you have the authority, to zone that, then of course it is not necessary that you get individual agreements from all of the owners of up and down that river.

Mr. French. That is correct. And also, in the education program, we emphasized that no individual owner was forced to grant access, because we had enough points for public access.

Senator Bumpers. It looks like we get a wild and scenic river on the cheap here, does it not?

Mr. French. Yes.

Mr. Di Fruscio. Yes.

Senator Bumpers. Thank you all very much for being with us this morning. We will stand in recess until the call of the Chairman.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

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